

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

1

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,)	CIVIL ACTION
Plaintiff,)	NO. 1:16-cv-03088-ELR
)	
vs.)	
)	
STATE OF GEORGIA,)	
)	
Defendants.)	
- - - - -)	

VIDEOTAPE DEPOSITION OF
LAYLA FITZGERALD

Friday, June 24, 2022, 9:00 a.m., EST

HELD AT:

Robbins Alloy Belinfante Littlefield LLC
500 14th Street, N.W.
Atlanta, Georgia 30318

WANDA L. ROBINSON, CRR, CCR, No. B-1973
Certified Shorthand Reporter/Notary Public

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

2

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ALSO PRESENT:

VIA ZOOM:

MICHELE THACKER, ESQUIRE

ANDREA HAMILTON, ESQUIRE

LAURA TAYLOE, ESQUIRE

RENEE WOHLLENHAUSE, ESQUIRE

ALSO PRESENT:

JASON SILLING, VIDEOGRAPHER

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

3

INDEX OF EXAMINATIONS

LAYLA FITZGERALD

By Ms. Cohen

Page 7

INDEX OF EXHIBITS

PLAINTIFF'S

NO.	DESCRIPTION	PAGE
Exhibit 176	1/16/2021 Email From Layla Fitzgerald With Attached Resume GA04586206-GA04586209	14
Exhibit 177	11/6/2017 Email Chain From Layla Fitzgerald To Belinda Hale With Attached Excel Spreadsheets GA03222982-GA03222985	90
Exhibit 178	5/23/2017 Email From Dante McKay To Layla Fitzgerald Re: Stuff For Layla GA03117520	135
Exhibit 179	Native Format Spreadsheet CYF Overview PowerPoint GA03117521	136
Exhibit 180	The Georgia Apex Program: Year One Evaluation Report GA03117522-GA03117548	142
Exhibit 181	Document Produced in Native Format MPR March 2017 GA03117549	145
Exhibit 182	10/23/2017 Email From Nicole Wasdin To Layla Fitzgerald Monthly Programmatic Report GA03130008-GA03130010	152

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

4

INDEX OF EXHIBITS (Continued)

PLAINTIFF'S

NO.	DESCRIPTION	PAGE
Exhibit 183	Document Produced in Native Format Aspire Date For Apex GA03130011	155
Exhibit 184	Aspire APEX - School-Based Mental Health Weekly Monitoring Report GA03130014-GA03130015	159
Exhibit 185	APEX Meeting Year 1 - 05/31/2017 GA03130022	159
Exhibit 186	3/1/2019 Email Chain from Deana Farmer to Dante McKay GA00636018-GA00636019	172
Exhibit 187	3/5/2019 Email Chain From Marnie Braswell To Layla Fitzgerald GA03176876-GA03176877	178
Exhibit 188	3/6/2019 Email Chain From Layla Fitzgerald To Dante McKay GA03176913-GA03176914	184
Exhibit 189	3/7/2019 Email From Deana Farmer To Dante McKay GA00636138	187
Exhibit 190	Apex 3.0 FAQs GA00658846-GA00658848	196
Exhibit 191	5/5/2020 Email Chain From Layla Fitzgerald to Dante McKay GA03219489-GA003219491	203

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

5

INDEX OF EXHIBITS (Previously Marked)

PLAINTIFF'S

NO.	DESCRIPTION	PAGE
Exhibit 10	Georgia Uniform Application FY 2020/2021 Community Mental Health Services Block Grant	65
Exhibit 20	Georgia Apex Program (Apex) With Attachment GA00130192-GA00130195	120
Exhibit 153	2/11/2020 Email Chain From Wendy Tiegreen To Recipients With Attached PowerPoint GA04292483-GA04292485.001	105

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

6

1 THE VIDEOGRAPHER: This is the video
2 deposition of Layla Fitzgerald, taken in the
3 matter of the United States of America versus
4 the State of Georgia.

5 Today's date is June 24th, 2022.

6 The time on the record is 9:00 a.m.

7 My name is Jason Silling. I'm the
8 videographer. The court reporter is Wanda
9 Robinson.

10 Counsel, please introduce yourselves,
11 after which the court reporter will swear the
12 witness.

13 MR. HOLKINS: Fran Cohen for the United
14 States.

15 MS. COHEN: Patrick Holkins for the United
16 States.

17 MS. ROSS: Alexa Ross for the State of
18 Georgia.

19 - - - - -

20 LAYLA FITZGERALD,
21 being duly sworn, was examined and testified as
22 follows:

23 MS. COHEN: Alexa, for stips we have
24 agreed that all objections except as to form --

25 MS. ROSS: Sure.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

7

1 MR. HOLKINS: -- and motions to strike may
2 be reserved until time of trial.

3 MS. ROSS: Okay.

4 MS. COHEN: We will waive --

5 MS. ROSS: And in the unlikely event of
6 instructing the witness not to answer. Okay.

7 MS. COHEN: We will waive signing before
8 typically a notary, and the transcript may be
9 signed if Ms. Fitzgerald wishes to pursuant to
10 28 U.S.C. 1746.

11 MS. ROSS: Great. That's very efficient.
12 I appreciate that.

13 EXAMINATION

14 BY MS. COHEN:

15 Q Good morning, Ms. Fitzgerald.

16 A Good morning.

17 Q I represent the United States in this
18 action, which is the United States versus Georgia.

19 A Okay.

20 Q You've been sworn?

21 A Yes.

22 Q You understand your obligation to answer
23 fully and completely?

24 A Yes.

25 Q And do you know basically what the United

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

8

1 States is alleging?

2 A No.

3 Q The United States is alleging that GNETS
4 -- so are you familiar with GNETS?

5 A I am.

6 Q And if I say "GNETS," you know that I'm
7 referring to the Georgia Network for Education and
8 Therapeutic Supports?

9 A Yes.

10 Q The United States has alleged in this
11 action that the GNETS program violates the Americans
12 with Disabilities Act in that it unnecessarily
13 segregates students by reason of their disability,
14 emotional and behavioral disorder, and it deprives
15 them of benefits that are available in other schools
16 and other programs.

17 A Okay.

18 Q You understand that?

19 A Yes.

20 Q You've probably heard a little of it
21 before?

22 A It's my language.

23 Q Okay. And have you had your deposition
24 taken before?

25 A No.

9

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

9

1 Q So the way it works is that the court
2 reporter is going to take down everything that
3 everyone says.

4 A Okay.

5 Q And she can only do that if one of us is
6 speaking at a time. So I will ask you to let me
7 finish my questions, and I'll try to let you finish
8 your answers so the court reporter can take down
9 each of us separately.

10 Do you understand that?

11 A Yes.

12 Q And if you don't understand typically a
13 question, just ask me to repeat it or explain it.

14 A Sure.

15 Q In terms of responses, the court reporter
16 can only take down responses in words. So if you
17 shake your head or nod your head, she can't get that
18 down.

19 Do you understand that?

20 A Yes.

21 Q And then you can take typically a break
22 any time. I'm going to plan to take typically a
23 break roughly every hour or hour and a half, and we
24 will take an hour lunch break.

25 You understand that?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

10

1 A Yes.

2 Q And you can request a break at any time.
3 I will ask that you not take a break while a
4 question is pending.

5 Do you understand that?

6 A Yes.

7 Q Do you -- are you represented by counsel
8 here today?

9 A I am.

10 Q Who are you represented by?

11 A Ms. Alexa.

12 Q And when did you first speak to Ms. Ross
13 about appearing here today?

14 A Yesterday. That was maybe two weeks ago
15 for Ms. Alexa.

16 It was from -- I'm trying to think of her
17 name.

18 Q Was it two weeks ago that you received
19 information that your deposition would be taken on
20 this day?

21 A No -- well, this day was changed. I
22 received notification about a month ago about the
23 deposition, and I'm drawing a blank, I guess because
24 I'm setting in front of you all, of the person who I
25 was -- Monica Patel reached out to me, who is our

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

11

1 counsel at DBHDD, about the deposition that I needed
2 to have on June 22nd.

3 Q And you asked for a continuous?

4 A I did.

5 Q Yes.

6 A Yes.

7 Q And we continued it to June 24th, today?

8 A Correct.

9 Q And when did you -- did you first speak to
10 Ms. Ross by telephone or in person?

11 A By telephone.

12 Q And how many times have you spoken with
13 Ms. Ross by telephone?

14 A Once.

15 Q And was it a long conversation or short
16 conversation?

17 A It was short.

18 Q How long was it?

19 A An hour.

20 Q An hour?

21 A Uh-huh. (Affirmative.)

22 That's short to me. Our meetings go three
23 hours, so.

24 Q And was it by telephone or Zoom or some
25 other remote connection?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

12

1 A By telephone.

2 Q By telephone?

3 A Correct.

4 Q And after that did you speak to Ms. Ross
5 again on the telephone before your appearance here
6 today?

7 A No.

8 Q Did you meet with her in person?

9 A No.

10 Q Did Ms. Ross show you any documents?

11 A No.

12 Q Okay. Have you discussed your appearance
13 here today with anyone?

14 A Yes.

15 Q Who?

16 A My mother.

17 Q Your mother?

18 A And Ms. Monica Patel was on the call and
19 Dante McKay was on the call.

20 Q Dante McKay was also on the call?

21 A Correct.

22 Q Was anyone else on the call other than
23 Monica Patel, Dante McKay, Alexa Ross, and yourself?

24 A No.

25 Q Other than your mother and that telephone

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

13

1 call, have you discussed the deposition with anyone
2 else?

3 A No.

4 Q Has anyone shown you any documents in
5 preparation for this deposition?

6 A No.

7 Q Did you meet with anyone from the Robbins
8 Firm?

9 A No.

10 Q Did you review anything in preparation for
11 this deposition, any documents?

12 A My own documents, my deliverables of my
13 program, to make sure that I had everything, because
14 I knew I would be questioned about my program that I
15 oversee.

16 Q When you speak of your program, what are
17 you speaking about?

18 A The Georgia Apex program. The
19 school-based mental health program that I oversee.

20 Q Is it sometimes referred to as Apex?

21 A Correct.

22 Q And sometimes as GAP?

23 A It's not supposed to be, but yes.

24 Q Sometimes in documents?

25 A Yes.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

14

1 Q Why is it not supposed to be?

2 A Because it's not an acronym. It's
3 actually a full program name. In the beginning they
4 used it as an acronym, before I started. So I
5 changed the language so people understood.

6 Q That was your work?

7 A Yes.

8 Q What were the deliverables that you
9 reviewed to refresh yourself in connection with your
10 appearance today?

11 A Sort of the guidance that's given to
12 providers in their contract to abide by -- to
13 implement the program.

14 Q Anything else?

15 A No.

16 Q Let's see. I have a copy of your CV.

17 MS. COHEN: Let's mark that as an exhibit.
18 I think the next exhibit is 176. We'll mark
19 that.

20 We'll mark the email and the cover resume
21 as -- the cover email and the resume as a
22 single exhibit, and it's previously been given
23 the Bates Nos. GA4586206 and 207.

24 We'll mark it as a single exhibit.

25 (WHEREUPON, Plaintiff's Exhibit-176 was

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

15

1 marked for identification.)

2 A Okay.

3 Q And the resume was stamped confidential.

4 You'll see it in a minute.

5 A Okay.

6 MS. COHEN: Patrick, do you want to
7 explain about control in the deposition?

8 MR. HOLKINS: Sure.

9 Ms. Fitzgerald, to allow you to review the
10 documents that we're going to be showing
11 electronically, I will use a feature on Zoom
12 called remote control.

13 THE WITNESS: Yes.

14 MR. HOLKINS: Where I will click your
15 computer, which is Jason, and this will allow
16 you to select the document and then scroll up
17 and down. So if you use the cursor right now
18 to select the document that's on the screen,
19 you should be able to use the up and down
20 arrows to scroll.

21 Is that working for you?

22 THE WITNESS: I have to move the Zoom box,
23 but yes.

24 MS. ROSS: Can we go off the record for
25 just a moment?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
16

1 MR. HOLKINS: I'm sorry?

2 MS. ROSS: Can we go off the record?

3 MR. HOLKINS: Frannie, she's asking to go
4 off the record.

5 MS. COHEN: Sure.

6 THE VIDEOGRAPHER: Off record at 9:11.

7 (Discussion ensued off the record.)

8 THE VIDEOGRAPHER: On the record at 9:12.

9 MS. COHEN: Patrick was explaining about
10 control.

11 Did you finish, Patrick?

12 MR. HOLKINS: I think so.

13 Were you able to access the document?

14 THE WITNESS: I am.

15 BY MS. COHEN:

16 Q You understand?

17 A Yes.

18 Q Is this a copy of a resume that you sent
19 out from your DBHDD account in January of 2021?

20 A Yes.

21 Q Is this resume current as of January 2021?

22 A Yes.

23 Q Have there been any changes since that
24 time?

25 MR. HOLKINS: I'll give you control.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

17

1 A No.

2 Q No?

3 A No.

4 Q The cover email went with the copy of the
5 resume; is that right?

6 A Yes.

7 Q Now, let's scroll down to -- and, by the
8 way, just looking at the cover for one more minute,
9 it describes you as the program manager at DBHDD,
10 the Department of Behavioral Health and
11 Developmental Disabilities.

12 Do you call it DBHDD?

13 A Yes.

14 Q In the signature block on your email, it
15 describes you as program manager at DBHDD. How long
16 had you held that position?

17 A Since May of 2017.

18 Q And was that your full title as of January
19 2021?

20 A No. I'm trying to think. No.

21 Q What was your title in January 2021?

22 A Director of Community Programs.

23 MR. HOLKINS: Fran, we still have some
24 feedback, Wanda is indicating.

25 MS. COHEN: We're going to go off the

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

18

1 record and fix it.

2 THE VIDEOGRAPHER: Off the record at 9:15.

3 (Discussion ensued off the record.)

4 THE VIDEOGRAPHER: Back on the record at
5 9:16.

6 MS. COHEN: So, Patrick, I'd like to look
7 at the page that's 206, the cover email.

8 Can you put that in front of Ms.
9 Fitzgerald.

10 MR. HOLKINS: Absolutely.

11 BY MS. COHEN:

12 Q This signature block identifies you as the
13 program manager of the Office of Children, Young
14 Adults and Families with the Georgia Department of
15 Behavioral Health and Developmental Disabilities,
16 which I'll try to abbreviate as DBHDD.

17 And this was sent on January 16, 2021; is
18 that correct?

19 A Yes.

20 Q And your title at that time had changed --
21 this was your title when you first came in May of
22 2017?

23 A Yes.

24 Q And your title changed to Director of
25 Community Programs?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

19

1 A Correct.

2 Q Was that still with the Office of
3 Children -- of DBHDD?

4 A Yes.

5 Q And did you -- when did your title change?

6 A November of 2020.

7 Q November of 2020?

8 A Yes.

9 Q At that time, did you start a joint
10 position with the Georgia Department of Education
11 and DBHDD?

12 A Yes.

13 Q And was your title at DBHDD Director of
14 Community Programs?

15 A Yes.

16 Q Did you also have a title at the Georgia
17 Department of Education?

18 A Yes.

19 Q Was it the same title?

20 A No.

21 Q What was your title at the Georgia
22 Department of Education?

23 A Mental Health Liaison.

24 Q Mental Health Liaison?

25 A Yes.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
20

1 Q And did your email signature block change?

2 A No.

3 Q Not for -- did it change for the
4 Department of Education?

5 A I don't have an email with them.

6 Q You don't have an email account there?

7 A No.

8 Q Your only email account with the Georgia
9 government is your DBHDD account?

10 A Correct.

11 Q And it's the one that we see here, Layla
12 Fitzgerald?

13 A Correct.

14 Q Okay. Let's look at your resume.

15 So you did not, just to be clear, change
16 your signature block in either -- for either agency?

17 A No.

18 Q Have you since changed it?

19 A Yes.

20 Q When did you change it?

21 A Like a month ago.

22 Q A month ago?

23 A When I realized -- when I realized my
24 signature was still saying program manager.

25 Q And what made you realize it?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

21

1 A The new program manager.

2 Q She wanted the title?

3 A She changed hers and I recognized that.

4 So I was like I should probably change mine.

5 Q Let's go to the bottom of your resume and
6 start with your education?

7 A Sure.

8 Q What year did you graduate from high
9 school?

10 A 1997.

11 Q Then you started college at Clark College
12 here in Atlanta?

13 A Clark Atlanta University.

14 Q Clark Atlanta University?

15 A Yes.

16 Q And what were you majoring in there?

17 A Psychology.

18 Q And did you receive a degree from Clark
19 Atlanta?

20 A No.

21 Q Where did you go after Clark Atlanta?

22 A I transferred to Millsaps College in
23 Jackson, Mississippi.

24 Q Is that where you're from?

25 A Yes.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
22

1 Q And what degree did you receive from
2 Millsaps College in Jackson, Mississippi?

3 A Bachelor's of arts in psychology.

4 Q And did you subsequently receive another
5 professional degree?

6 A Yes.

7 Q What was that?

8 A Master of science in rehabilitation
9 counseling.

10 Q Was that a program that you also pursued
11 in Jackson, Mississippi?

12 A Yes, at Jackson State University.

13 Q And is that in the psychology department,
14 a master of science and rehabilitation counseling,
15 or what department was that degree from?

16 A I believe it's the counseling department.

17 Q And did your courses have a particular
18 focus within rehabilitation counseling?

19 A It was broad.

20 Q Was it -- did you focus on physical
21 rehabilitation as well as psychological
22 rehabilitation, or was your course work mostly
23 concentrated on mental health?

24 A It was physical, psychological, as well as
25 substance abuse.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
23

1 Q Did you qualify for any professional
2 license at the conclusion of that time?

3 A No.

4 Q In addition to your master's in
5 rehabilitation, have you also taken nondegree
6 courses since you received your master's from
7 Jackson?

8 A No.

9 Q Have you attended seminars?

10 A Yes.

11 Q And what has been the principal focus of
12 your seminars since you received your master of
13 science in rehabilitation counseling?

14 A Mental health and leadership.

15 Q Has your work been concentrated in the
16 mental -- largely in the mental health field since
17 you received your master's in rehabilitation
18 counseling?

19 A I would say youth development.

20 Q Youth development. Very well. Okay.

21 So let's scroll up.

22 Is it moving on your screen, too?

23 A It is.

24 Q It's like magic.

25 We'll start with 2005, when you received

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

24

1 your graduate degree.

2 A Oh, boy.

3 Q Although, actually, I'm going to ask you
4 about your internship.

5 You did an internship, is that right, at
6 the University Medical Center in Jackson?

7 A Yes.

8 Q And what was the focus of that internship?

9 A Applied behavior analysis with children
10 with autism.

11 Q What is applied behavior analysis?

12 A A type of treatment that you do with the
13 child and the family in order to get them to build
14 their memory of daily routines.

15 Q And how did you learn how to do it? Did
16 you take course work in it or were you instructed in
17 it, or how did you learn?

18 A I took course work as well as was trained.

19 Q Where did you take your course work?

20 A Millsaps.

21 Q And what did you do during your
22 internship?

23 A I worked with children with autism on
24 daily routines and helping families to find ways to
25 communicate with their nonverbal children.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

25

1 Q And did you also have a job working with
2 children with emotional and behavioral disorders at
3 the Spectrum Center while you were in school?

4 A It was after school.

5 Q After school?

6 A Yes.

7 Q After you got your bachelor's degree?

8 A Correct. I moved to California.

9 Q And where did you work in California?

10 A The Spectrum Center.

11 Q And what was your job there?

12 A Assistant teacher for the children with
13 autism classroom.

14 Q And what were the ages of the children at
15 the Spectrum Center?

16 A K through fifth grade. So five to 10
17 years old.

18 Q And I neglected to ask you about the ages
19 of the children you worked with during your
20 internship at the University Medical Center?

21 A Ages four to 10.

22 Q So you are familiar with that age-group?

23 A Very.

24 Q And then after that I see that you worked
25 at Brentwood Behavioral in Jackson for about a year?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

26

1 A Yes.

2 Q What is the business of Brentwood
3 Behavioral?

4 A It's a residential -- it's a short-term
5 residential facility for children with behavioral or
6 mental health disorders.

7 Q And what were the ages of the children you
8 worked with there?

9 A Three to 18 --

10 Q Three to 18?

11 A 17.

12 Q And what was your role?

13 A I served as an assistant teacher and what
14 they called a mental health behavioral therapist.

15 Q And what is the work of a mental health --

16 A Behavioral therapist?

17 Q Yeah. Behavioral therapist. Thank you.

18 A Basically working with young people to
19 identify ways to copy -- to identify coping skills
20 and social skills to live independently with their
21 disorder.

22 Q And after the Brentwood Behavioral work,
23 you were there for about a year?

24 A Yes.

25 Q And what was the reason you left there?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

27

1 A Financial. Pay.

2 Q And where did you work next?

3 A I worked through a foundation at the
4 Jackson Medical Mall that helped service middle
5 school and high school students in Jackson,
6 Mississippi, as the truancy counselor working with
7 students who missed school on a regular basis to
8 identify reasons why and how -- and help them
9 connect back into the school world.

10 Q It says plan strategic solutions for
11 decreasing the number of truant students on your
12 resume?

13 A Yes.

14 Q Were you successful in those strategies?

15 A I was.

16 Q Good for you.

17 A Thank you.

18 Q And then you went to work for the
19 Children's Defense Fund; is that correct?

20 A Correct.

21 Q And was that in connection with mental
22 health as well?

23 A No.

24 Q What were you doing for the Children's
25 Defense Fund? Were you at the Southern Regional

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

28

1 office in Jackson, Mississippi?

2 A Correct.

3 Q And what did your work focus on?

4 A Voter registration efforts in Mississippi.

5 Q And then why did you leave the Children's
6 Defense Fund?

7 A It was a temporary position.

8 Q Did you receive a more permanent position
9 with the Children's Defense Fund?

10 A I did.

11 Q What was that?

12 A After Hurricane Katrina, I became a case
13 manager for families --

14 Q My goodness.

15 A -- that relocated from Louisiana to
16 Mississippi.

17 Q And what did that involve?

18 A Everything that you could possibly
19 imagine. Helping with housing, helping with -- find
20 food, clothing, shelter, education.

21 It wasn't therapy in a clinical sense but
22 it was therapy in a human sense.

23 Q More like a social worker than --

24 A Yes.

25 Q -- therapist?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
29

1 A Yes.

2 Q And then after you had been working -- and
3 your title there was Katrina resources and case
4 manager?

5 A Resource and referral case manager, yes.

6 Q And after you had been working in that
7 capacity for a few years -- was it three years?

8 A Yes.

9 Q -- did your position change?

10 A It did.

11 Q And what did it change to?

12 A I think I was a youth organizing manager,
13 but also over the Katrina Citizens Leadership Corps.
14 So I had like a dual role.

15 It doesn't reflect that on the resume but
16 I was still working with both sets. After working
17 with the families, I decided to help coordinate the
18 children that came, and then and I was already
19 working with children in Jackson, Mississippi, and
20 decided to organize youth events for those
21 individuals.

22 Q And what year did you leave the Children's
23 Defense Fund?

24 A 2013.

25 Q And what was your reason for leaving?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

30

1 A The funding ceased for the Cradle to
2 Prison pipeline work, initiative work.

3 Q What was the next job you took after that?

4 A Boys and Girls Club of Central
5 Mississippi, as the unit director.

6 Q And how long did you remain with the Boys
7 and Girls Club?

8 A Three years.

9 Q And what did you do as the unit director?

10 A I oversaw the Capitol Street unit, which
11 housed anywhere from 150 children to 300 students,
12 and I oversaw and managed the different programs and
13 educational rooms that were inside the Clubhouse, as
14 well as the staff.

15 Q And then did you move from Jackson,
16 Mississippi at the end of your time with the Boys
17 and Girls Club?

18 A Yes.

19 Q And was that your return to Atlanta?

20 A It was.

21 Q And how were you employed when you first
22 came to Atlanta?

23 A I wasn't. I slept on my sister's couch.

24 Q Do you -- are you laughing?

25 A I am. I chose to move to Atlanta on a

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

31

1 whim. I didn't have a job moving here but I decided
2 I no longer wanted to live in Mississippi. So the
3 summer -- I also decided I didn't want to work with
4 children again in the summertime. That was not my
5 calling. So I decided to move myself and my
6 children to Atlanta, Georgia, and I wasn't working
7 when I first moved here, but then I gained
8 employment with Rickey Smilely Foundation.

9 Q And what did you do for the Rickey Smilely
10 Foundation?

11 A Sort of fundraiser and director of
12 development for the Cambridge Heights Academy, which
13 was a nonprofit organization. They work with
14 at-risk children in Atlanta, Georgia.

15 Q Are the dates correct on your resume, from
16 September '16 to May of 2017?

17 A Yes.

18 Q And then how did your job change in May of
19 2017?

20 A I was offered a position at the DBHDD.

21 Q How did you come to DBHDD?

22 A I applied for several positions on Indeed,
23 looking for other employment. I was interested in
24 getting back into the mental health work, as that
25 was my background in something I always wanted to

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

32

1 do, and there were several positions on Indeed, as I
2 was an Indeed guru at that time, so I put in an
3 application for another position but was offered
4 another position.

5 So I applied for one and I interviewed,
6 but that position wasn't fit for me. So they
7 decided to offer me another position, which was
8 program manager of the Office of Children, Young
9 Adults and Families.

10 Q Indeed is a job search platform?

11 A Yes.

12 Q You were hired as program manager?

13 A Yes.

14 Q Reporting to whom?

15 A Dante McKay.

16 Q And who did Mr. McKay report to?

17 A Monica Johnson.

18 Q And did anyone report to you as program
19 manager?

20 A Not at the time.

21 Q Did you have any peers on the org chart?

22 A Yes.

23 Q Who were they?

24 A Adell Flowers, Toni Simms. I think that's
25 it.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

33

1 Q What was Ms. Flowers' role?

2 A Workforce development.

3 Q And Mr. Simms'?

4 A Mrs. Simms?

5 Q Mrs. Simms.

6 A She's over -- I'm not sure of her exact
7 title but she's over our bed board, which is the
8 able beds that are offered for children needing
9 long-term residential care.

10 Q Now, as I understand your testimony, you
11 remained as program manager until November 2020; is
12 that correct?

13 A Correct.

14 Q During that time did you report
15 continuously to Mr. McKay?

16 A Yes.

17 Q And that's the Mr. McKay who joined your
18 telephone call to prepare for this deposition?

19 A Yes.

20 Q Did you request that he join the telephone
21 call?

22 A I asked him.

23 Q You asked him. Did you call him?

24 A No.

25 Q How did you ask him?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

34

1 A Via text, I think. Via text.

2 Q You texted Mr. McKay?

3 A Yes.

4 Q And said that -- what did you say, in
5 words, or just the substance of it?

6 A I need help for tomorrow.

7 Q So was this this week that you texted him?

8 A Yes.

9 Q Was that the first communication you had
10 with Mr. McKay about the deposition?

11 A No.

12 Q When did you first communicate with Mr.
13 McKay about the deposition?

14 A When they emailed me about being available
15 for the deposition.

16 Q And between that time and the time when
17 you texted him and said you need help for tomorrow,
18 did you speak to Mr. McKay about the deposition?

19 A No. No.

20 Q And what did he respond to you?

21 A I will have to check if I can.

22 Q And then what did -- when did you next
23 speak to him?

24 A About the deposition or just speak to him?

25 Q Either one.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

35

1 A I speak to him regularly all the time. So
2 there were several conversations after that text
3 message about work.

4 Q And when did you next speak to him about
5 the deposition?

6 A The day -- yesterday.

7 Q And was that on the telephone call with
8 counsel?

9 A Yes.

10 Q And apart from the telephone call with
11 counsel, did you have any conversation with Mr.
12 McKay about the deposition?

13 A No.

14 Q Now, you said that initially when you
15 became the program manager at DBHDD, you didn't have
16 anyone reporting to you?

17 A No.

18 Q Did that change over time?

19 A Yes.

20 Q When did that change?

21 A I'm trying to remember when Danielle was
22 hired. I think it was July of '19.

23 Danielle Jones Alexander is now the
24 current program manager, but I didn't look up when
25 she was hired before I came here, so I can't say

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

36

1 right off. But it was in 2019 that she was hired.

2 I think it was in July.

3 Q And when she was hired, that was reporting
4 to you?

5 A Yes.

6 Q And what was her other title or job
7 description?

8 A Program coordinator.

9 Q Program coordinator?

10 A Correct.

11 Q And she reported to you as program
12 manager?

13 A Correct.

14 Q And when did she become program manager?

15 A November -- November of 2020.

16 Q That was when you assumed the role as
17 Director of Community Programs?

18 A Correct.

19 Q Got it. Now, I want to understand exactly
20 how you work for both the Department of Education
21 and DBHDD.

22 A Okay.

23 Q So do you -- are you an employee of each
24 agency?

25 A No.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

37

1 Q Who is your formal employee?

2 A DBHDD.

3 Q DBHDD. And is your position fully funded
4 through DBHDD?

5 A No.

6 Q Does the Georgia Department of Education
7 pay in part for your position?

8 A Yes.

9 Q And what part?

10 A The part of the mental health liaison
11 portion.

12 Q And approximately what percentage of your
13 salary is that?

14 A I don't know percentage but it's \$50,000.

15 Q Is that --

16 A -- of my salary.

17 Q And what is your total salary?

18 A Currently, \$75,000.

19 Q So it sounds like two-thirds of it is paid
20 for by the Department of Education?

21 A It sounds like it, but it's -- I didn't
22 think of it in that way, but yes.

23 Q And is there someone that you report to at
24 the Department of Education?

25 A Yes.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

38

1 Q Who is that?

2 A Ashley Harris.

3 Q And what is Ms. Harris' title?

4 A She's the director of the Whole Child
5 Support Office at Georgia Department of Education.

6 Q And what is the work of the Whole Child
7 Support Office of the Georgia Department of
8 Education.

9 A It's to coordinate and support services
10 for children, whether it be mental health, physical
11 health, safety.

12 Q And who does Ms. Harris report to?

13 A The superintendent.

14 Q The superintendent of the Department of
15 Education?

16 A Yes, which is Matthew, I think his name
17 is.

18 You're making me look really bad right
19 now.

20 Q You can't remember his full name?

21 A No, I can't.

22 MS. ROSS: It's okay.

23 A No one is going to see this, right?

24 Q Have you met Matthew, superintendent
25 Matthew?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

39

1 A Once in person, been in several emails,
2 conversations, but not like I know Ashley Harris.

3 Q Okay. Who else do you work with at the
4 Department of Education?

5 A Now she's retired but her name was Cheryl
6 Benefield.

7 I also work with Mary Lauren Salvatore.

8 Q Between the two of us, we will drive Wanda
9 crazy, so you have to -- when you say a name, you
10 have to go really slow.

11 So you're referring to Cheryl Benefield,
12 who I think is C-H-E-R-Y-L?

13 A Yes. Benefield, B-E-N-E-F-I-E-L-D.

14 She's retired now.

15 Mary Lauren, L-A-U-R-E-N, Salvatore,
16 S-A-L-V-A-T-O-R-E.

17 As well as Lindsey Oliver, L-I-N-D-S-E-Y,
18 O-L-I-V-E-R.

19 As well as Molly Sims, M-O-L-L-Y, S-I-M-S.

20 Q During the period when you worked with Ms.
21 Benefield before she retired, what was her role at
22 the Department of Education?

23 A Mental health coordinator. And I may be
24 wrong about that exact title.

25 Q What was her -- what was her role?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

40

1 A Is to coordinate mental health services
2 for children within the K through 12.

3 Q And when you speak of coordination, who is
4 she coordinating between or among?

5 A An assumption of mine, it would be the
6 school systems, not necessarily an individual -- not
7 necessarily an individual person.

8 MS. COHEN: Let's go off the record.

9 THE VIDEOGRAPHER: Off the record at 9:42.

10 (A recess was taken.)

11 THE VIDEOGRAPHER: Back on the record at
12 9:48.

13 BY MS. COHEN:

14 Q And I apologize for the ring tone.

15 I wanted to -- I think we were talking
16 about Ms. Benefield, and you said she was a mental
17 health coordinator, you might be wrong about the
18 exact title, and I asked you who she was
19 coordinating between and among, and your answer is?

20 A Schools.

21 Q Schools?

22 A Uh-hum. (Affirmative.)

23 Q Which schools?

24 A The 2000 and some-odd schools she
25 coordinates with.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

41

1 Individual schools on connecting services,
2 supports and programs.

3 Q And what are the services, supports and
4 programs that she connects schools with?

5 A Mental health.

6 Q And which mental health programs?

7 A Not a specific program. It's anyone in
8 need of mental health support services, or a program
9 that offers mental health skills.

10 Q So someone -- just to be concrete about
11 it, you have a child who is at a school that has a
12 mental health need, how do they connect -- get
13 connected with Ms. Benefield?

14 A Through email.

15 Q The child would email Ms. Benefield?

16 A The school or whoever was in search of a
17 service or program. Not the individual child. An
18 adult.

19 Q Okay.

20 A I mean the title may vary. It may be a
21 social worker. It may be a school counselor. It
22 may be a RESA director.

23 It wasn't a necessary referral platform to
24 happen on.

25 Q And what was the role of Ms. Benefield in

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

42

1 making -- in responding to that outreach?

2 A You would have to ask her, other than
3 emailing someone to ask do you have this service
4 that I can send over to a school to help a child
5 with.

6 Q You don't know anymore about her role?

7 A No.

8 Q And then how about Salvatore, Ms.
9 Salvatore?

10 A She oversees the nurses in the
11 school-based health centers.

12 Q And Ms. Oliver?

13 A She -- she is the social work specialist,
14 which is a new position. It just started maybe
15 three months ago.

16 Q And what is her work as social work
17 specialist?

18 A Coordinating supports for social workers
19 that work within the school systems.

20 Q I want to ask you about the mental health
21 programs that are available through the Georgia
22 Department of Education for children or young adults
23 with mental health issues.

24 What are the programs that are available
25 through the Department of Education?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

43

1 A I am not sure.

2 Q Do you -- are you familiar with the GNETS
3 program?

4 A I am.

5 Q Does Ms. Benefield play any role with
6 regard to the GNETS?

7 A Not to my knowledge.

8 Q Do you -- are you familiar with Apex?

9 A Yes.

10 Q That's your program, right? That's your
11 baby?

12 A Yes.

13 Q Does Ms. Benefield coordinate with regard
14 to the Apex program?

15 A Outside of myself, no.

16 Q Just with you?

17 A Yes.

18 Q And in your role as liaison, when you
19 assumed that in November 2020, how is your time
20 divided between DBHDD and the Department of
21 Education?

22 A I'm not sure.

23 MS. ROSS: Object to form.

24 You may answer.

25 A I am not sure.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

44

1 Q What do you mean you're not sure? Can you
2 give me an estimate or approximate?

3 MS. ROSS: Same objection.

4 Q You can answer.

5 A No.

6 Q Let me ask you this: Where is your desk
7 located at the Department of Education?

8 A I don't have one.

9 Q And where is your desk located at DBHDD?

10 A Two Peachtree, on the 23rd floor.

11 Q So you are a hundred percent of the time
12 located at the department of DBHDD; is that correct?

13 A Yes.

14 Q Except when you travel on business?

15 A Correct.

16 Q In what way then did your responsibilities
17 change as liaison with regard to the Georgia
18 Department of Education work?

19 MS. ROSS: Object to form.

20 A I don't understand the question.

21 Q My question is, when you became a liaison
22 in November of 2020 with the Georgia Department of
23 Education -- correct?

24 A Yes.

25 Q -- had you spoken to anyone at the Georgia

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

45

1 Department of Education when you were program
2 manager at DBHDD?

3 A Yes.

4 Q Who did you speak to on a regular basis in
5 your role as program manager for DBHDD prior to the
6 time that you became the liaison in November of
7 2020?

8 A Ashley Harris, Cheryl Benefield.
9 Those two. Before the liaison position?

10 Q Yes.

11 A Yes, those two.

12 Q And then did the frequency of your
13 interactions with Ms. Benefield and Ms. Harris
14 increase after the liaison position?

15 A Yes.

16 Q And what was the nature of the increase?

17 A I attended monthly meetings with the
18 Office of Whole Child Supports.

19 Q And where did those take place?

20 A They were virtually, as we were still in
21 the pandemic.

22 Q And do they continue to be virtual to this
23 day?

24 A We have held two in-person meetings since
25 the pandemic.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

46

1 Q And where were those held?

2 A Department of Education.

3 Q And who attends the standing meeting of
4 the Office of Whole Child Supports?

5 A The Whole Child Supports office team.

6 Q And how big is that team?

7 A Approximately six or seven people.

8 When I started. It has now grown to about
9 13 people, I think.

10 Q And what is, what is the work of the
11 Office of Whole Child Supports?

12 A Exactly what it says, it's the office of
13 supports for children with physical health or mental
14 health needs.

15 Q And what role do you play in that office?

16 A Mental health liaison for the DBHDD.

17 Q And does that entail -- what does that
18 entail?

19 A Coordinating with the mental health team
20 on the Whole Child Office of supports at DOE, with
21 program service and supports that we have at DBHDD.

22 Q So in November 2020, did the nature of
23 your work with Georgia DOE change, or did it just
24 increase in frequency?

25 A Increase in frequency.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

47

1 Q And you went to the standing meetings?

2 A Correct.

3 Q Anything else?

4 A Outside of coordinating with Cheryl on
5 trainings available for staff and parents, no.

6 Q Now, you're referring to coordinating with
7 Cheryl Benefield on trainings available to staff and
8 parents. Were these generally available to all
9 staff at the Department of Education?

10 A Yes.

11 Q And to all teachers?

12 A Yes.

13 Q And since November of 2020, how many
14 trainings have you coordinated?

15 A I don't know.

16 Q Is it more than 10?

17 A Way more than 10.

18 Q And how about for parents?

19 A I don't know an exact number, but more
20 than 10.

21 Q And were there any trainings prior to the
22 time that you became the liaison?

23 A I am not sure.

24 Q You're not aware of it?

25 A No.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

48

1 Q So is your role as liaison, it's partly to
2 coordinate the trainings; is that correct?

3 A Yes.

4 Q And your role as liaison also involves
5 connecting children served by the Department of
6 Education with supports?

7 A Connecting the schools, not the children.

8 Q The schools?

9 A Correct.

10 Q With supports?

11 A Correct.

12 Q Such as what kind of supports?

13 A Mental health supports.

14 Q Do you mean mental health supports for
15 students?

16 A It can be for students, staff, or parents.

17 Q And what, what -- who is the provider of
18 the mental health services that you connect the
19 Department of Education with in your role as liaison
20 for the DBHDD?

21 A The local mental health providers.

22 Q And when you refer to local mental health
23 providers, who are you talking about?

24 A So DBHDD has a list of vetted providers
25 that are available in communities to provide

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

49

1 services. I contract with 37 of them -- not myself.
2 DBHDD contracts with 37 of them to provide the
3 Georgia Apex program, and that's who I oversee, is
4 that 36 -- 37 providers.

5 Q So in terms of your work with the
6 Department of Education, is everybody that you have
7 coordinated the schools that are seeking support,
8 are all of those supports from the 37 providers that
9 you work with in the Georgia Apex program?

10 A Correct.

11 Q Have you coordinated any supports outside
12 the Georgia Apex program?

13 A Other than my -- I oversee six
14 organizations, and we consider them the System of
15 Care organizations, and those provide trainings, and
16 those organizations are NAMI --

17 Q National Alliance --

18 A NAMI, National Alliance for Mental
19 Illness. Mental Health Association of Georgia,
20 Silence the Shame, VOX Teen Communications, Creative
21 Community Services, and Voices for Georgia's
22 Children.

23 Q At the Georgia Department of Education, do
24 you have any involvement with individuals who are
25 working on the GNETS program?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
50

1 A No.

2 Q Do you have any involvement with the GNETS
3 program?

4 A No.

5 Q Have you been to any GNETS programs?

6 A No.

7 Q Have you visited any schools where there
8 are GNETS classrooms?

9 A I am not sure.

10 Q Have you ever visited a GNETS classroom?

11 A No.

12 Q Have you had any role with the GNETS
13 program as liaison to the Georgia Department of
14 Education?

15 A No.

16 Q Are you walled off from the GNETS program?
17 Do you understand that concept?

18 A No.

19 Q Walled off is kind of a legal term that we
20 use that means where you're not supposed to be
21 involved with the GNETS program, there is a formal
22 separation between your role at the Department of
23 Education and the GNETS program.

24 A Then yes.

25 Q And who arranged that?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

51

1 A It's just known when I got there, we don't
2 work with GNETS programs.

3 Q Was Mr. McKay involved in that
4 conversation?

5 A Yes.

6 Q And was it one conversation or more than
7 one?

8 A It was more than one.

9 Q And who were the conversations between
10 about the limitations on your role in connection
11 with GNETS programs?

12 A The persons?

13 Q Uh-hum.

14 MS. ROSS: Object to form.

15 A Dante McKay, and the Center of Excellence
16 at the Georgia State University Center for Health
17 Policy.

18 Q Anyone else?

19 A The providers I oversee.

20 Q Were there any conversations with anyone
21 at the Department of Education about the limitations
22 on your role as liaison vis-a-vis the GNETS program?

23 A Not to my knowledge.

24 Q Now, during this time when you've been a
25 liaison, were you able to continue your work as

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

52

1 program manager?

2 A Yes.

3 Q And during what period were you able to
4 continue to work as program manager until Ms. Jones
5 took over?

6 A I sort of still manage. We both manage
7 the program now.

8 Q Now you jointly manage it?

9 A Yes.

10 Q So let's look at your resume and what it
11 says about your responsibilities as program manager.

12 A Okay.

13 Q Now, this resume actually lists you as
14 Mental Health Liaison Program Director, Office of
15 Children.

16 This is Exhibit 176.

17 So by this time you had changed your
18 position; is that right?

19 A I changed it, yes.

20 Q And it says that you oversee 37 mental
21 health providers that offer Georgia Apex, a
22 school-based mental health program, 18 mental health
23 resiliency clubhouses, as well as 10 community
24 innovation pilots with several nonprofit
25 organizations within the DBHDD System of Care?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

53

1 A Yes.

2 Q So that has a lot of words in it that I'm
3 going to have to ask you what they mean.

4 First of all, the mental health providers,
5 are those individual providers or are they
6 affiliated with organizations?

7 A They're affiliated with our Community
8 Service Boards.

9 Q What is a Community Service Board?

10 A I don't know.

11 Q I mean I read something about it. I read
12 that it was a public/private organization that
13 provides mental health. Is that accurate?

14 A So, yes, I know that, but I don't know why
15 they named it Community Service Boards.

16 Yes, they are local mental health
17 providers that provide services to children, youth
18 and families. So they provide your comprehensive
19 mental health services, whether individualized or
20 group settings, for anyone.

21 Q And are they -- are the Community Service
22 Boards entities under Georgia Law?

23 A Yes.

24 Q And are they exclusively in the business
25 of providing comprehensive mental health services,

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

54

1 or did they provide other services as well?

2 MS. ROSS: Object to form.

3 A They provide mental health and substance
4 abuse disorders.

5 Q Understood.

6 And apart from mental health and substance
7 abuse disorder services, do they provide any other
8 services?

9 A Developmental disabilities.

10 Q And have you now listed the complete range
11 of the services that the Community Service Boards in
12 Georgia provide?

13 A To my knowledge.

14 Q And it's substance abuse, mental health,
15 and developmental disability services?

16 A Correct.

17 Q So the 37 mental health providers that you
18 refer to in Exhibit 176, your resume, that offer
19 Georgia Apex, those are the Community Service
20 Boards?

21 A Yes.

22 Q And are they located primarily in Atlanta,
23 or are they elsewhere in Georgia?

24 A They're spread across the State of
25 Georgia.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

55

1 Q And then you refer to 18 mental health
2 resiliency clubhouses in your resume.

3 You had previous experience with mental
4 health clubhouses before coming to work for DBHDD;
5 is that correct?

6 A So the Boys and Girls Club is not a mental
7 health clubhouse.

8 Q Oh, it isn't?

9 A No. They serve any student.

10 The clubhouses I oversee specifically
11 serve students with mental health challenges and/or
12 disabilities.

13 Q So did you first begin working with mental
14 health clubhouses when you came to DBHDD?

15 A Correct.

16 Q And with regard to the mental health
17 clubhouses, is that an after-school program?

18 A They service an after-school and
19 summertime program.

20 Q And are they analogous to the Boys and
21 Girls Club, but they have also have a mental health
22 slant?

23 MS. ROSS: I'll object to form.

24 A Yes. They have similar programs like Boys
25 and Girls Club but all have a therapeutic foundation

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

56

1 to these programs.

2 Q And are the clubhouses one of the types of
3 mental health supports that you coordinate in your
4 role as liaison to the Department of Education?

5 A Yes.

6 Q And then -- excuse me.

7 So my understanding is there are only 24
8 Community Service Boards in Georgia. So does the 37
9 mental health providers refer to some providers who
10 are not Community Service Boards?

11 A Yes.

12 Q What type of providers are the ones who
13 are not Community Service Boards?

14 A They're considered Tier II specialty
15 providers.

16 Q And the Community Service Boards are Tier
17 I providers?

18 A Yes.

19 Q So am I correct that there are 24
20 Community Service Boards, or Tier I, providers in
21 Georgia?

22 A I would have to check the actual number,
23 but I believe it's 24.

24 Q In the Apex program, anyway, there are 24?

25 A Yes.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

57

1 Q And then the additional 13 providers are
2 Tier II providers, providing more intense mental
3 health supports?

4 A Yes.

5 Q And then you have 10 community innovation
6 pilots?

7 A Now there's seven.

8 Q Seven?

9 A That number needs to change, yes. We have
10 dropped a few.

11 Q And are those grant funded?

12 A We don't consider them grants, but we
13 provide funding for them to provide trainings.

14 Q And when you say "we," you're referring to
15 DBHDD?

16 A Yes. Not me. DBHDD, yes.

17 Q And then it says they're nonprofit -- with
18 nonprofit organizations within the DBHDD System of
19 Care?

20 A Yes.

21 Q What is the System of Care?

22 A The System of Care is a guideline that was
23 provided through a state plan of how to better
24 coordinate behavioral health services for the State
25 of Georgia.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

58

1 Q And who are the participants in the System
2 of Care?

3 A There are several participants, and I
4 don't know them by name.

5 Q That's fine. Can you define them -- DBHDD
6 is one of the participants?

7 A Yes. And other state agencies and
8 nonprofit organizations.

9 Q And which state agencies are in the System
10 of Care?

11 A I can name those that I know that are
12 part.

13 Q That's fine.

14 A But there's a whole list.

15 Q You can only answer what you know.

16 A Yes. So DFCS, D-F-C-S, which stands for
17 Department of Family and Children Services; DPH,
18 which is Department of Public Health; DCH, which is
19 Department of Community Health; the Department of
20 Education, DOE; GCAL, which is our Georgia Crisis
21 Access Line.

22 You said state agencies?

23 Q Yes.

24 A That's all that I can think of.

25 Q And what are the community organizations

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

59

1 that you can remember that are a part of the System
2 of Care?

3 A Oh, geez.

4 Mental Health Association, Georgia's
5 Federation of Families, Voices for Georgia's
6 Children, MAC, which is Multiagency Alliance for
7 Children, I think is what MAC stands for. It's an
8 acronym. MAC is the acronym.

9 There are -- it's a lot of us that goes to
10 that monthly call.

11 Q There's a standing monthly System of Care
12 call?

13 A It's a standard monthly interagency
14 directors call, which is the IDT call.

15 Q Now, I just was confused about one thing.
16 On your resume it says within the DBHDD System of
17 Care. You're referring to a System of Care that
18 encompasses various community agencies and state
19 agencies as well. So is there a separate System of
20 Care within DBHDD apart from that System of Care
21 that you referred to with the other state agencies
22 and the community organizations?

23 A Yes. There is work that we do that is
24 connected to the larger system of care within DBHDD.

25 Q I see. And who works on that within

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

60

1 DBHDD?

2 A Myself, Layla Fitzgerald.

3 Matthew Clay is now the new director of
4 System of Care.

5 And then Tricia Mills, who is no longer
6 with DBHDD, used to be over System of Care for the
7 Office of Children, Young Adults and Families, but
8 now that's now Matthew Clay.

9 Q Within the -- is the System of Care, is
10 that exclusively for mental health issues, or does
11 it also apply to more general health issues?

12 A In its language it's for behavioral
13 health, but in the meetings we speak of all areas,
14 because all areas are affected by behavioral health
15 and mental health.

16 Q So -- but it's primarily focused on -- is
17 it fair to say the System of Care is primarily
18 focused on behavioral health?

19 A Yes.

20 MS. ROSS: Is there a question pending?
21 If there's not a question pending, I'd like to
22 take a five-minute break.

23 MS. COHEN: Sure. We can take a
24 ten-minute break and have that be our official
25 break.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

61

1 THE VIDEOGRAPHER: Off record at 10:16.

2 (A recess was taken.)

3 THE VIDEOGRAPHER: We're back on the
4 record at 10:41.

5 MS. COHEN: Thank you.

6 BY MS. COHEN:

7 Q I wanted to just go back to the
8 conversation we were having about System of Care for
9 a minute.

10 A Yes.

11 Q Is there a reason why the System of Care
12 relies on different agencies to coordinate responses
13 to behavioral health issues?

14 MS. COHEN: That wasn't a good question at
15 all. I'm going to withdraw it.

16 Q I'm going to ask you this: What are the
17 reasons that DBHDD participates in coordinating with
18 the other agencies, both state and nonprofit, that
19 you mentioned to provide behavioral health services?

20 A There's a need to coordinate with other
21 state agencies as we don't do what other state
22 agencies do. So we have to coordinate with those
23 other agencies to connect the work that each of us
24 are charged to do for children across the State.

25 Q And is the Department of Education part of

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

62

1 the System of Care?

2 A Yes.

3 Q And is GNETS part of the System of Care?

4 A Not to my knowledge.

5 Q And I also wanted to ask you about OCYF,
6 which is the Office of Children, Youth and Families?

7 A Children, Young Adults and Families.

8 Q Young adults and families. I knew I would
9 mess it up. Thank you.

10 A I was like, wait, that's not it.

11 Q So the OCYF, what is the -- can you just
12 give me the exact target population of OCYF?

13 A Ages four to 26.

14 Q Got it. And that is your home, OCYF
15 within DBHDD?

16 A Yes. That is my home office, yes.

17 Q And that has continued even as you are a
18 liaison?

19 A Yes.

20 Q Now, what federal grants does DBHDD hold
21 with relation to behavioral health for children and
22 young adults?

23 A I know we --

24 Q Excuse me. Children, youth and
25 adolescents.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

63

1 A Children, young adults and families.

2 Q Children, young adults and families.

3 What grants does DBHDD hold relating to
4 children, youth and families?

5 A The only grants I'm aware of for OCYF --
6 that is easier than children, youth and families --
7 that are provided through SAMAHSA, substance abuse
8 and Mental Health Services Administration.

9 S-A-M-A-H-S-A, Substance Abuse and Mental
10 Health Services Administration.

11 Q And is there a Community Mental Health
12 Block Grant?

13 A Yes.

14 Q Does OCYF participate in that?

15 A Yes.

16 Q And were you involved in drafting that
17 grant or its extension at any time in your work for
18 DBHDD?

19 A No.

20 Q Have you reviewed drafts of the grant or
21 its extension in connection with your work?

22 A Yes.

23 Q And did you provide comments?

24 A No.

25 Q Did Mr. McKay provide comments?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

64

1 A To my knowledge, yes.

2 Q Who, who was the primary author of the
3 Mental Health Block Grant?

4 A I am not aware.

5 Q Earlier this morning you mentioned COE,
6 the Center for Excellence.

7 A Yes.

8 Q Was the Center of Excellence involved in
9 the Community Mental Health Block Grant?

10 A No.

11 Q Is that grant currently on extension?

12 A I don't know.

13 Q Do you know that it had an expiration date
14 of April 30, 2022?

15 A No.

16 Q Do you have occasion to read the block
17 grant?

18 A Yes.

19 Q From time to time you rely on it?

20 A I've read it.

21 MS. COHEN: I'm going to ask Patrick to
22 bring it up.

23 Q I think we've marked it in this litigation
24 as Exhibit 10, and it's very long. I'm not going to
25 ask you to look through the whole thing, unless

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

65

1 you'd like to, and then Patrick can give you
2 control.

3 A Oh, no, I've reviewed enough documents.

4 Q So let's look at Page 294.

5 MS. ROSS: You have it?

6 THE WITNESS: Yes, I have it.

7 Q Now --

8 MS. ROSS: Is the exhibit just the one
9 page?

10 MS. COHEN: No. The exhibit is all.

11 MS. ROSS: My numbering is off.

12 MS. COHEN: 300 pages, okay.

13 (WHEREUPON, Plaintiff's Exhibit-10 was
14 previously marked for identification.)

15 BY MS. COHEN:

16 Q Now -- now we're looking at Page 294 --
17 Page 94. Excuse me.

18 MS. ROSS: Does it begin with
19 "Particular," Page 94?

20 THE WITNESS: Mine does.

21 MS. COHEN: I'm going to move on from the
22 block grant, it's a little unwieldy for me
23 right now.

24 BY MS. COHEN:

25 Q Is there also a System of Care grant that

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

66

1 DBHDD is involved in?

2 A I don't know.

3 Q Is there a grant of money that Apex --
4 that is involved with the Apex program?

5 A Yes.

6 Q What is that grant?

7 A The Mental Health Block Grant, to my
8 knowledge.

9 Q And that provides money for Apex?

10 A Yes.

11 Q I want to ask you a bit about Apex. When
12 you came to DBHDD, had Apex already started, or were
13 you there at the inception?

14 A It had already started.

15 Q When did it start?

16 A 2015.

17 Q And did it start as a pilot or as a full
18 program?

19 A As a pilot.

20 Q As a pilot. And who funded the pilot?

21 A DBHDD.

22 Q And have you been involved with -- I think
23 you said you came to work at DBHDD in May of 2017?

24 A Correct.

25 Q And have you been involved with the Apex

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

67

1 program continuously since that time?

2 A Yes.

3 Q Is the Center of Excellence involved in
4 the Apex program?

5 A Yes.

6 Q What is its involvement?

7 A They provide evaluation and monthly
8 reports to DBHDD about the data collected from the
9 providers monthly.

10 Q The providers, being the 37 CSBs?

11 A The 37 mental health providers, yes.

12 Q And the 10 Tier II -- excuse me. The 24
13 -- go ahead. You say it.

14 A The breakdown of the 24 CSBs, and the
15 additional Tier II mental health providers.

16 Q And it is a particular office of the
17 Center of Excellence that is involved with the Apex
18 program?

19 A Center of Excellence is under the Georgia
20 State Health Policy Office.

21 Q Who are the individuals from the Center of
22 Excellence who are involved with the Apex program,
23 to your knowledge?

24 A Dimple Desai, D-I-M-P-L-E. Desai is
25 D-E-S-A-I.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

68

1 There is Ani, A-N-I -- what is Ani's last
2 name? She got married.

3 Last name not coming to me right now.

4 There is Georgina, G-E-O-R-G-I-N-A.

5 There is Isis Nelson, I-S-I-S, Nelson.

6 That's all the names that's coming.

7 There's a team. There's an Apex team at the Center
8 of Excellence.

9 Q Now, the Apex team at the Center of
10 Excellence, are they all working on one project, or
11 there's different projects?

12 A They work on the Apex project but they may
13 have other projects that they work on that I'm not
14 familiar with.

15 Q With regard to the Apex project, is there
16 one, one task or more than one task?

17 A There's more than one task. They all have
18 specific tasks, whether it's evaluation or technical
19 assistance, or reporting.

20 Q Is technical assistance sometimes referred
21 to in the documents as TA?

22 A Yes.

23 Q And is there specific funding for the work
24 of the Center of Excellence provided through the
25 Mental Health Block Grant?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

69

1 MS. ROSS: I object to form.

2 A Not to my knowledge.

3 Q Who funds -- what is the funding that the
4 Center of Excellence receives? What is the funding
5 source for its Apex work?

6 MS. ROSS: Same objection.

7 A I just know it as --

8 MS. ROSS: Same objection as to form.

9 A I just know it as DBHDD.

10 Q I see.

11 A I'm not sure which fund source it comes
12 from.

13 Q Okay. And what, what data does the Center
14 of Excellence use in connection with its assessment
15 or evaluation of the Apex program?

16 A So there is a monthly, a monthly report
17 that is provided through Qualtrics,
18 Q-U-A-L-T-R-I-C-S, that reports on services, types
19 of services, referral, entry, as well as payor
20 source, and payor source is insurance payor, and we
21 only work with children who are uninsured or
22 underinsured, and SSI Medicaid.

23 So we work with individuals who are
24 insured by CMOs, which are community management
25 organizations, I think is what CMOs stand for.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

70

1 Q I've heard it referred to as care
2 management?

3 A Care management.

4 Q Care management?

5 A Care Management Organizations, yes. I
6 know them as CMOs. We speak in acronym language.

7 Q So I guess roughly speaking my
8 understanding is that DBHDD provides some of the
9 data to the Center of Excellence; is that correct?

10 A No.

11 Q DBHDD doesn't provide any of the data?
12 Where do they draw their data from?

13 A From the mental health providers
14 themselves.

15 Q I see. The CSBs, or the Tier II group?

16 A Correct.

17 Q And does DBHDD have access to that data?

18 A Yes.

19 Q Where does it get -- does it get access
20 through the Center of Excellence, or does it come
21 directly to DBHDD?

22 A Initially, it came from the Center of
23 Excellence, but we now have signed on access to the
24 Qualtrics platform now.

25 Q When did --

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

71

1 A As of -- I don't know exact date, but it's
2 not been six months.

3 Q Got it.

4 So it was some time in 2022?

5 A I would say latter 2021.

6 Q Got it.

7 And the data that's available through the
8 Qualtrics system to the Center of Excellence
9 initially and now, too, to DBHDD as well, those are
10 for all services provided by community service
11 providers?

12 A Yes.

13 Q I meant -- I said community service
14 providers but I meant Community Service Boards. Did
15 you understand that?

16 A Yes. The mental health providers, they're
17 not all Community Service Boards. That's why we
18 just label it mental health providers.

19 Q Now, with regard to that pool of data
20 that's in the Qualtrics system from the mental
21 health providers, does that include only services
22 that are provided through Apex or does it also
23 include services provided through other provider
24 systems?

25 A Just through Apex.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

72

1 Q Does it include -- are any services
2 provided by the Community Service Boards to students
3 in the GNETS program?

4 MS. ROSS: Object to form.

5 A No, we don't receive individualized data.
6 It's aggregate data.

7 Q I see. So you don't receive client level
8 data?

9 A No.

10 Q And so you only receive aggregate data?

11 A Yes.

12 Q Do you know if the Center of Excellence is
13 able to see client level data?

14 A They aren't.

15 Q And who is your principal contact at the
16 Center of Excellence?

17 A Dimple Desai.

18 Q So my question was, do the Community
19 Service Boards provide any services to students in
20 GNETS, in the GNETS program?

21 MS. ROSS: Object to form.

22 A Not to my knowledge.

23 Q Now I want to ask you about another
24 acronym. You've alluded to it this morning.

25 The IDT?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

73

1 A Yes.

2 Q What does that stand for?

3 A Interagency Directors Team.

4 Q And what is the Interagency Directors
5 Team?

6 A It's the -- just giving a broad overview
7 of what it is, I don't know the exact definition.

8 Q Yeah.

9 A It's the governing board that ensures that
10 the System of Care state plan is done.

11 Q So that is the entity that supervises --
12 that implements and executes the System of Care?

13 A Correct.

14 Q And are meeting notes kept for that?

15 A Yes.

16 Q And who keeps the notes?

17 A I can give the director. I'm not sure who
18 keeps the actual notes.

19 Q Who is the director?

20 A Renee Johnson.

21 Q What is her title outside of the IDT?

22 A I'm not sure.

23 Q What agency does she work for?

24 A The Center of Excellence -- I am not
25 completely sure her employer.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

74

1 Q When did you first start attending center
2 -- IDT meetings?

3 A If I started in May of '17, I would assume
4 July of '17, right when I started working and got
5 acclimated to everything I was supposed to be
6 overseeing.

7 Q Who was the DBHDD representative to the
8 IDT before you?

9 A Dante McKay, and still is.

10 Q And he has continued?

11 A Yes.

12 Q And how frequently does the IDT meet? I
13 think you said monthly?

14 A Monthly.

15 Q And are there interim meetings that are
16 more frequent?

17 A So there are work groups within the IDT
18 that meet on a regular basis. Most are monthly.

19 Q Are you involved in any work groups?

20 A Yes.

21 Q Which ones do you -- are you involved in?

22 A I am the chair of the Workforce
23 Development Work Group. I sit on the School Based
24 Behavioral Health Work Group, as well as the Peer
25 Support and Lived Experience Work Group.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

75

1 Q When you say school-based mental health
2 services, what does that refer to?

3 A So initially it was around school-based
4 mental health programming within schools. It has
5 branched out to be trainings as well as supports to
6 school-based mental health program. Not just
7 specific to Apex.

8 Q And when you say schools, you're referring
9 to the public school to which a child is assigned?

10 A Correct.

11 Q By virtue of where they live?

12 A Correct.

13 Q During your tenure on the IDT, attending
14 the IDT, both as the program manager for Apex and
15 more recently as the Director of Community Programs,
16 did you expand the role that DBHDD played in the
17 IDT?

18 A No.

19 Q You followed the role that Dante was
20 playing?

21 A Yes.

22 Q And what is the role that DBHDD plays in
23 the IDT?

24 A As a team player of the IDT I don't know
25 specifically the language.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

76

1 Q What are some of the principal issues that
2 have occupied you since 2017, occupied the IDT since
3 2017, that DBHDD has been concerned with?

4 A Access to services, mental health
5 services, coordination of mental health services,
6 and partnerships with others to educate and inform
7 others of services we provide.

8 Q Are there particular changes that DBHDD
9 has advocated for during your time on the IDT?

10 A Advocated for? Not to my knowledge.

11 Q Are there changes that DBHDD has been
12 involved in implementing with respect to the
13 delivery of mental health to children, youth and
14 families during your time on the IDT?

15 A Not to my knowledge.

16 Q What are the principal barriers to the
17 delivery of behavioral health services to children,
18 youth and families in Georgia?

19 MS. ROSS: Object to form.

20 A What I perceive as the barriers?

21 Q Yes.

22 A Agencies and organization working in
23 silos; the missed opportunity to have a coordinated
24 strategic plan across the state agencies; the lack
25 thereof or misunderstanding of needs of funds and

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

77

1 how they have been distributed.

2 Q And what are the agencies that you say are
3 working in silos with respect to Georgia State
4 agencies?

5 A All of them. DFCS I named before. Can I
6 name the same acronyms I did before?

7 DFCS, DPH, DCH, DBHDD, DOE, DECAL.

8 Q And what work has DBHDD done on the issue
9 of working in silos during your tenure?

10 A Lots of work. I attend many committees --
11 I sit on several committees and work with several
12 work groups to sort of break the silos that we have
13 been working.

14 Q And have you worked on breaking silos to
15 improve connections between DOE and DBHDD?

16 A Yes. That's how the mental health liaison
17 role came about.

18 Q And what were the principal issues of lack
19 of coordination between DBHDD and DOE?

20 A There's no true referral system. There
21 are many times turnover with staff who is not aware
22 of other state agencies program supports and
23 services.

24 For me, it was the creation of this
25 program without having input from other agencies

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

78

1 that it may affect.

2 Q Which program are you referring to?

3 A The Georgia Apex program.

4 Q What problems did the silos cause?

5 A In layman's terms, we were stepping on
6 their turf and not talking to the coach before
7 stepping on their turf. So we were providing
8 services within their school buildings and not
9 necessarily talking to the state agency Department
10 of Education, but we were talking to local school --

11 Q I see.

12 A -- leadership.

13 Q So one issue is coordination of the Apex
14 program services through the schools -- excuse me --
15 through the Department of Education, as well as
16 through the local educational agencies?

17 A Correct.

18 Q Was this a problem that persisted even
19 after you became the liaison?

20 A Which problem?

21 Q The problem of the lack of communication
22 between DBHDD and the Department of Education
23 regarding mental health services?

24 A Nope, not after I came.

25 Q Is that right? You solved that?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

79

1 A Um, I didn't solve it. They at least had
2 a person who they can directly connect to if they
3 had questions or if there was any uncertainties of
4 how to connect to our -- to the DBHDD system.

5 Q So that's been helpful?

6 A Yes, very.

7 Q But that has not included GNETS?

8 MS. ROSS: Object to form.

9 Q That communication?

10 A No. I don't know.

11 I don't talk to GNETS programs. I'm
12 trying to figure out -- there is -- no.

13 I'll leave my answer as no.

14 Q Now, I think you said that there has been
15 a missed opportunity to have a unified strategic
16 plan. Were you referring to a plan for mental
17 health services to children, youth and families?

18 A Yes.

19 Q And what is that nature of the missed
20 opportunity?

21 A Working with other state agencies to
22 develop policies and procedures that would benefit
23 both state agencies by providing services to the
24 children of DOE, and the services coming from DBHDD.
25 Or the mental health providers of DBHDD.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

80

1 Q And what is the opportunity that you see?

2 When you talked about a missed
3 opportunity, I was wondering whether there was a
4 specific opportunity or things to be done, or
5 whether you were speaking generally about a failure?

6 A Developing sort of joint policies that
7 would benefit both and cover the liability of both.

8 A missed opportunity of developing an
9 actual referral platform for individuals coming from
10 the DOE to need mental health services.

11 Q Have you spoken about that at DBHDD?

12 A Yes.

13 Q Have you spoken about that at the IDT?

14 A Yes.

15 Q And also at the Georgia DOE staff
16 meetings?

17 A Yes.

18 Q And is there a referral platform now?

19 A No, but there are talks of building one.

20 Q What is it referred to as? Does it have a
21 specific project name or --

22 A Oh, no. It's just been us compiling notes
23 and seeing the need of a referral process.

24 Q Is -- are you the principal person
25 involved in the project to build a referral platform

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

81

1 for DBHDD?

2 Let me, let me --

3 MS. COHEN: I'm going to revise that
4 question because it was a little confusing.

5 BY MS. COHEN:

6 Q Are you the principal person at DBHDD who
7 is involved in the effort to build a referral
8 platform?

9 A Yes, with DOE.

10 Q And -- are you the principal person at DOE
11 who is involved in the effort to build a referral
12 platform with DBHDD?

13 A No.

14 Q Who is the principal person at DOE who is
15 involved in the effort to build a referral platform?

16 A The mental health team of the whole child
17 -- the Office of Whole Child Supports.

18 Q Ashley Harris?

19 A Ashley Harris, and it was Cheryl
20 Benefield.

21 Q And now it's Mary --

22 A No. They have yet to replace Cheryl
23 Benefield.

24 Q I see. Okay.

25 And then I think the other issue,

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

82

1 challenge or barrier to the delivery of mental
2 health services is a misunderstanding of the roles
3 of the different agencies? Is that what you said?

4 A Lack of knowledge and education about what
5 each agency provides.

6 Q And during your time at DBHDD, from 2017
7 to the present, what steps have been taken with
8 regard to the lack of knowledge and education about
9 what DBHDD provides?

10 A Through presentation, through
11 conversations, through what we consider one-pagers,
12 which are marketing documents about our programs.

13 There has been a -- since a System of Care
14 website created that houses a lot of information
15 about DBHDD and other state agency -- and I sit on
16 several committees and coalitions where I talk on a
17 regular basis about what we do at the department.

18 Q And what committees are those?

19 A That's not a real word, is it? OMG.

20 (Laughter.)

21 Q No, that's not a committee.

22 A No, that's not a committee.

23 I sit on several committees. I sit on the
24 Children and Adolescent Health Coalition. I sit on
25 the Southeastern South Carolina School Conference

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

83

1 Committee. I sit on the IDT Committee. I sit on
2 Resilient Georgia's Committee. I sit on the Georgia
3 Education Coalition Committee, which is called GECC,
4 G-E-C-C.

5 I sit on -- oh, goodness. You are really
6 -- I think that's -- I mean I sit on several others,
7 but those are the main ones that I attend.

8 Q Are those generally committees that are
9 formed of state agency and nonprofit personnel?

10 A Yes.

11 Q And what changes can have been discussed
12 with regard to alleviating the barrier created by
13 misunderstandings of what services are provided?

14 A I don't understand your question.

15 Q Let me ask you this: How is it harmful to
16 the ultimate clients, the children and youth and
17 families, how is it harmful to them if a particular
18 agency is not aware of what services are provided?

19 MS. ROSS: Object to form.

20 A Very harmful. If you do not know what is
21 out there, you're not able to connect a child with
22 what they may need in time of need or crisis.

23 Q Now, are you familiar with the Behavioral
24 Health Coordinating Council?

25 A I am.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

84

1 Q What is that?

2 A It is a council of individuals who meet on
3 a regular basis to discuss the barriers to our
4 policies and procedures, and other opportunities to
5 connect our work with the other state agencies and
6 other councils.

7 Q How often does it meet?

8 A Monthly. I don't go to those meetings,
9 nor do I sit on that council.

10 Q Does anyone from DBHDD go to those
11 meetings or sit on their council?

12 A Dante, McKay. To my knowledge, that's the
13 only person that I know of from DBHDD.

14 Q Is it required by state law?

15 A I don't know.

16 Q Did you ever hear that it resulted from a
17 settlement with the Department of Justice?

18 A Yes.

19 Q And does the Department of Behavioral
20 Health and Developmental Disabilities have primary
21 responsibility for planning, developing and
22 implementing a coordinated System of Care for
23 severely emotionally disturbed children?

24 A Yes.

25 Q And what are the respective roles, in your

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

85

1 understanding, of the Department of Education and
2 DBHDD with respect to severely emotionally disturbed
3 children?

4 A I don't understand your question.

5 Q Well, there are severely emotionally
6 disturbed children attending schools, right?

7 A Yes.

8 Q And Apex's mission is to look after them
9 in the Apex program, right?

10 MS. ROSS: Object to form.

11 A It is not our program's responsibility to
12 look after those children.

13 Q Is it your program's responsibility to
14 provide mental health services for those children,
15 the severely emotionally disturbed children?

16 A Not primarily, no.

17 Q What is your responsibility primarily with
18 regard to severely emotionally disturbed children?

19 A So we do provide services for children who
20 are referred to our program, but we are not
21 providing it to all children who may be severely
22 emotionally disturbed.

23 Q A referral is necessary first?

24 A Yes.

25 Q And the children must be in the public

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
86

1 schools; is that correct?

2 A Correct.

3 Q And receive public insurance?

4 A Yes. Medicaid insurance. Medicaid or --
5 or underinsured or uninsured children.

6 Q Yes. And the uninsured you're reminding
7 me.

8 A Yes.

9 Q What is the responsibility of the
10 Department of Education with regard to the severely
11 emotionally disturbed children in that group?

12 A I don't know.

13 MS. ROSS: Object to form.

14 Q You don't know?

15 A No.

16 Q Have you discussed it with them?

17 A No.

18 Q Do you want to add something to your
19 answer?

20 A Yes, because it's not directly to them,
21 but I discuss the need of services, supports and
22 programs on mental health challenges or illnesses,
23 but not necessarily for that specific age group. It
24 will be for all children.

25 Q For all children?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

87

1 A Correct.

2 Q And you discuss that with the Department
3 of Education?

4 A Correct.

5 Q And does the Department of Education, to
6 your knowledge, provide mental health services?

7 A No.

8 Q Does it coordinate mental health services?

9 A Yes.

10 Q Who are its partners in that coordination?

11 A Mental health providers and/or DBHDD. The
12 state agencies.

13 Q Does the GNETS system provide mental
14 health services?

15 A I don't know.

16 Q When you're talking about school-based
17 mental health services, is there national research
18 that supports the use of school-based mental health
19 services for severely emotionally disturbed
20 children?

21 MS. ROSS: Object to form.

22 A Yes, there is national data out.

23 Q And what in general are the conclusions of
24 that research?

25 A That it -- that having school-based

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

88

1 services in the -- having mental health services in
2 the schools provides an easier access and better
3 coordination of mental health services to connect to
4 children and families.

5 Q And is that the reason the Apex program
6 was developed?

7 A Yes.

8 Q And the Apex program is part of Georgia's
9 System of Care for children, children, youth and
10 adolescents, correct?

11 A Is the Apex program a part of the System
12 of Care?

13 Q Yes.

14 A Yes.

15 Q Through DBHDD?

16 A Yes.

17 Q Okay. Now, with regard to the Apex
18 program, does it hold any grants -- I think you said
19 it receives assistance from the Mental Health Block
20 Grant; is that correct?

21 A Correct.

22 Q The Federal Mental Health Block Grant
23 through SAMAHSA?

24 A SAMAHSA, yes.

25 Q Does it also receive grants from the State

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

89

1 of Georgia?

2 A Does the Georgia Apex program receive
3 funding from the State of Georgia?

4 Q Yes.

5 A Yes.

6 Q And is -- are there other funding sources
7 as well that the Apex program draws on in providing
8 mental health services?

9 A Yes, through Medicaid billing.

10 Q And in terms of the features of the Apex
11 program, the basic principle is to provide access to
12 mental health services based in schools; is that
13 right?

14 A Yes.

15 Q And do you know whether the Georgia System
16 of Care has been identified for the purpose of
17 coordinating mental health services in the Mental
18 Health Block Grant?

19 A I don't know.

20 Q I'm venturing into dangerous territory
21 here because I think I'm going to ask you about
22 things that are really within your knowledge, which
23 is --

24 MS. ROSS: That are within --

25 Q I know you said you refreshed yourself on

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

90

1 some of the contracts, and I'm going to try to
2 develop that now.

3 MS. COHEN: So I'm going to ask Patrick to
4 mark as Exhibit 177.

5 MS. ROSS: I just got a message from our
6 receptionist saying that our lunch is here.
7 When you want a break will be fine with us.

8 MS. COHEN: Let's go off the record.

9 THE VIDEOGRAPHER: Off the record at
10 11:24.

11 (A recess was taken.)

12 (Discussion ensued off the record.)

13 THE VIDEOGRAPHER: Back on the record at
14 11:24.

15 MS. COHEN: Thank you.

16 BY MS. COHEN:

17 Q I'm going to ask Patrick to mark as -- or
18 put up on the screen, so you can see, exhibits with
19 -- that have been given the document numbers in this
20 litigation GA0322982. That's one number. GA0322984
21 and GA0322985, which we will mark as a single
22 Exhibit 177.

23 (WHEREUPON, Plaintiff's Exhibit-177 was
24 marked for identification.)
25

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

91

1 MS. COHEN: I apologize. I'm just getting
2 used to using Zoom for these electronic
3 exhibits. When I started practice, we had
4 reams of paper that we would bring in
5 litigation bags. Believe me, it was easier.

6 So let's put up the cover email first.
7 I'll let Patrick work his magic.

8 MS. ROSS: Can we go off the record?

9 THE VIDEOGRAPHER: Going off the record.

10 (Discussion ensued off the record.)

11 (A luncheon recess was taken.)

12 THE VIDEOGRAPHER: Back on the record at
13 12:21.

14 BY MS. COHEN:

15 Q All right. So I wanted to go take a look
16 with you at the contract documents.

17 MS. COHEN: It is easier to mark them
18 separately or together?

19 MR. HOLKINS: What would you like to show?

20 MS. COHEN: 177.

21 MR. HOLKINS: We can do it all together.

22 BY MS. COHEN:

23 Q We'll put in front of you three separate
24 documents whose Bates numbers I gave previously as
25 177.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

92

1 Ms. Fitzgerald, is this an email exchange
2 that you were a part of in June of 2020?

3 A Yes.

4 Q And what did this email exchange relate
5 to?

6 A It looks like it's the budget and proposed
7 staff for Albany CSP as it relates to a -- contract
8 paperwork for the Georgia Apex program.

9 Q I see references to Aspire, Avita, and
10 Gateway, and Unison.

11 Were those associated with Albany?

12 A They are other providers for the Apex
13 program, but, no, not associated with the Aspire
14 contract.

15 Q So even though the re line of this email
16 relates to Albany, Avita, Gateway, and Unison, this
17 cover email and the attachments relate exclusively
18 to Aspire?

19 A Correct.

20 Q And then who is Belinda Hail?

21 A Belinda Hale is contract specialist in the
22 contracts office for DBHDD.

23 Q And scrolling down to the bottom of the
24 email, there is some paperwork that you are
25 returning to Aspire. Is that correct?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

93

1 A I'm only seeing -- I don't see the
2 paperwork you're referencing.

3 Q You see the cover letters for the
4 paperwork?

5 A I see the emails, yes.

6 Q And your email at May 29, 2020, at 3:20
7 p.m., do you see that?

8 A Yes.

9 Q You begin a little colloquial?

10 A Yes. Contract season is very amusing to
11 us, I should say. It's a lot of paperwork.

12 Q So you worked closely with Belinda Hale?

13 A Yes.

14 Q And so you have a kind of colloquial style
15 in your email with her?

16 A Yes.

17 Q And who is Cedric Bryan?

18 A Cedric Bryan is the Behavioral Health
19 Division sort of office manager, but he reports
20 directly to Monica Johnson.

21 Q And Danielle Jones is your assistant?

22 A Correct.

23 Q And who are Belinda Hale and Stacey Stith?

24 A Both members of the contracts office for
25 DBHDD.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

94

1 Q So what transaction does this relate to?

2 A The actual contract for the Georgia Apex
3 program.

4 Q Is that for calendar year 2020?

5 A We have fiscal years from --

6 Q Excuse me.

7 A -- June to July.

8 Q So is this for fiscal year '21?

9 A I am assuming by looking at the paperwork
10 it is for fiscal year '21, if it was done in 2020.

11 Q Now, we're going to look at the
12 attachments to this email. First, we'll look at
13 GA0322984. These are still part of Exhibit 177.

14 Now, I know you said before you came in
15 today you refreshed yourself with contract
16 paperwork?

17 A Uh-huh. (Affirmative.)

18 Q Is this --

19 A Yes.

20 Q Is this the type of contract paperwork
21 that you're referring to?

22 A Yes.

23 Q What is this that we've put up on the
24 screen? It's Page 3222984.

25 A This is a copy of -- if you can scroll up

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

95

1 to the top, I want to see whose name -- yes.

2 This is a budget provided to us by Albany
3 Community Service Board on how they would allocate
4 funding provided to them for the Georgia Apex
5 program.

6 Q So it says vendor provider name, Albany
7 Area Community Service Board. This is the Albany
8 CSB?

9 A Correct.

10 Q And then below that it says, in Line 5,
11 "Contract Term" 70 -- 7/1/2020 to 6/30/2021.

12 Does that allow you to confirm it's for
13 school year 2021?

14 A Yes, for fiscal year '21.

15 Q Excuse me. Fiscal year?

16 A Yes.

17 Q And then it has a reference to Approved
18 Schools. What is that?

19 A Those are schools that they have proposed
20 to provide mental health services in.

21 Q And is this a mix of elementary school and
22 middle, high school and alternative schools detailed
23 here?

24 A Yes.

25 Q And how many schools was Aspire serving

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

96

1 during the billing period, in total?

2 A Eleven.

3 Q And these were all Georgia public schools;
4 is that correct?

5 A Yes.

6 Q And did Aspire have separate agreements
7 with the local educational authority agencies for
8 these schools?

9 A Yes. Here in the State of Georgia our
10 schools are locally controlled. So the state agency
11 is really a guidance. The state agency of the
12 Department of Education is really a guidance agency.
13 Our schools are locally controlled by local school
14 boards, so our local mental health providers go into
15 an MOU with our local school districts of what those
16 services or what the Apex should be implementing.

17 Q So my question to you is, does Aspire have
18 separate agreements with the local educational
19 agencies for these schools? And your answer is yes?

20 A Yes.

21 Q Okay. Now, in Line 15 there are headings
22 for the next portion of this invoice. What are
23 they?

24 A The Approved Budget, the Prior Cumulative
25 Expenses, the Current Month Expenses, and the

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

97

1 Contract Balance.

2 It's a tracking system for us to track
3 monthly invoices as they come through.

4 Q So am I correct that the invoices for the
5 school -- for fiscal year '21 will be applied
6 against the \$245,000 approved budget?

7 A I think below the approved budget is
8 \$330,000. I think that's what I saw. You're
9 looking at a personnel line.

10 Q Thank you.

11 Line 16, Personal Services, starts with
12 \$245,000?

13 A Yes.

14 Q What is that for?

15 A That is to supply funding for staff that
16 are providing these services.

17 Q And are these payments separate and apart
18 from whatever reimbursement was made through
19 Medicaid or other fees?

20 A Yes.

21 Q And what was the purpose of these personal
22 services for \$245,000?

23 A To provide individual group therapy
24 sessions. For the clinicians or staff admin who
25 provide services for the Apex program.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

98

1 So it can be a clinician or for an admin
2 cost to collect data for report reasons.

3 Q And are these infrastructure costs?

4 A No.

5 Q These --

6 A Well, yes, they're infrastructure.
7 They're not for building. They are infrastructure
8 costs, yes.

9 Q They are not service reimbursement for
10 services to individual students?

11 A They are service reimbursement, yes.

12 Q I see. Okay. I think we'll come to an
13 itemization.

14 So \$245,000, what this is this allows the
15 school to bill against an approved budget of
16 \$245,000 for personal services --

17 A It will --

18 Q -- in the Apex program?

19 A It allows for the provider to bill. The
20 school does not bill.

21 Q Excuse me. Okay.

22 So what this provides for is \$245,000 for
23 the provider to bill personal services for the
24 fiscal year '21?

25 A Yes.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

99

1 Q And then there is additional funding to
2 cover other costs; is that right?

3 A Correct.

4 Q And that brings the total contract to
5 \$330,000?

6 A Yes.

7 Q All right. And so this was the contract
8 amount for Aspire for fiscal year '21?

9 A Correct.

10 Q How is the personal services amount set?

11 A That is set by the provider.

12 Q And what does it reflect?

13 A Nonbillable and some billable times that
14 is spent providing services for their clinicians
15 and/or staff member.

16 Q So the \$245,000 is nonbillable services
17 provided by the CSB to the Apex program?

18 A Yes.

19 Q And those -- when you said nonbillable,
20 you're referring to services for which the CSB
21 cannot bill for Medicaid reimbursement?

22 A Correct.

23 Q Or I guess in the case of uninsured
24 individuals for DBHDD reimbursement?

25 A Yes.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

100

1 Q And you said there were some billable
2 items included in the \$245,000?

3 A No.

4 Q No. So it's entirely for nonbillable or
5 nonreimbursable items provided by the CSB to the
6 Apex program?

7 A Correct.

8 Q And it's based on an amount that was
9 estimated by the CSB and submitted to you and Mr.
10 McKay in a budget?

11 A Correct.

12 Q As what it would cost them to place
13 clinicians in the Apex program?

14 A Correct.

15 Q And in addition to this, the CSB expected
16 to get reimbursement for -- from Medicaid --

17 MS. ROSS: Object to form.

18 Q -- for services performed?

19 MS. ROSS: Sorry.

20 Object to form.

21 Sorry I interrupted.

22 A Repeat your question.

23 Q In addition to the \$245,000, which was
24 provided for nonreimbursable services, the provider
25 expected to provide to students served by the Apex

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
101

1 program reimbursable services that would be billed
2 through Medicaid or to DBHDD directly; is that
3 correct?

4 A Correct.

5 Q Now, let's look at the second attachment,
6 which is GA03222985, and these are all part of
7 Exhibit 177.

8 What is this sheet?

9 A This is the Aspire Apex staffing
10 breakdown.

11 Q And does this relate to the amount of
12 full-time equivalents that each of the participants
13 was expected to devote to the Apex program services?

14 A Yes.

15 Q And I see the first entry is for an Apex
16 coordinator?

17 A Yes.

18 Q And was a coordinator one of the
19 requirements of the Apex agreements with the CSB?

20 A It is a position that we encourage for the
21 providers to have, yes.

22 Q And what is the role of the coordinator in
23 the Apex program?

24 A It's to help coordinate the clinicians
25 with the schools and other school districts' needs

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
102

1 from the Apex program.

2 Q So does the coordinator handle
3 coordination between the school districts and the
4 CSB?

5 A Yes.

6 Q And then I see in the next column is the
7 Title?

8 A Yes.

9 Q And what does that refer to?

10 A The position this person holds at the CSB.

11 Q And then we have the Credentials column?

12 A Yes.

13 Q Are those the professional credentials
14 recognized by the State of Georgia Licensing Boards?

15 A Yes. And/or their degree level, because
16 it looks like some of them are just B.A. hold --
17 regular undergraduate degrees.

18 Q And I see the billing code CSI. What is
19 that? Or the title?

20 A That's Community Support Individual. I
21 think.

22 Q Could it be Community Services Individual?

23 A It might be services, yes.

24 Q And how -- is that a title of a
25 professional or is it a title of a kind of service?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
103

1 A It's a title of a professional within the
2 mental health provider level.

3 Q Who provides individual community services
4 or community services to individuals?

5 A Yes.

6 Q That person -- the CSI designation
7 indicates someone hired by the CSB to provide
8 community services to the individual?

9 A Correct.

10 Q And where -- and is that a Medicaid code?

11 A I am not sure.

12 Q Where are the services delivered?

13 A In the school.

14 Q Now, there's a footnote on this chart that
15 says: "Apex Coordinator."

16 Do you see it with the asterisk?

17 A Yes, I do.

18 Q Apex coordinator therapists in CSI are
19 only dedicated in part to Apex 2.0 based funding
20 based on the schools they serve, between 15 percent
21 and 75 percent.

22 What does that refer to?

23 A So Apex has three cohorts: 1.0, 2.0, and
24 3.0.

25 Q And what are the three -- each of the

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIAJune 24, 2022
104

1 three cohorts?

2 A They're all the same program. They are
3 all funded through different funding sources, and
4 that being said, that 1.0 comes from our base state
5 funding, 2.0 was an allocation from Governor Deal,
6 and 3.0 was an allocation from Governor Kemp.

7 Q Thank you.

8 A And because the funding sources came three
9 different ways, we track them different -- on the
10 same things but track -- and track the funding
11 differently to be able to report on.

12 Q Now, are these services that Aspire is
13 listing, are they provided only in schools, or are
14 some of them provided at a clinic?

15 A No services are being listed here.

16 Q Yes.

17 A So what services?

18 Q Oh, I'm sorry. Good point.

19 Is the work that's being done by Aspire
20 pursuant to the Apex program, is it the services
21 that they provide, is it only in the school or is it
22 also in a clinic?

23 A As it relates to the Georgia Apex program,
24 it's only in the school.

25 Q Only in the school?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
105

1 A Correct.

2 Q You only reimburse for school-based
3 program --

4 A Correct.

5 Q -- services?

6 And then attached to that is a list of
7 schools. Are these the schools that Aspire had
8 committed to serve?

9 A Yes.

10 Q And this is to provide Tier I services,
11 correct?

12 A No. This is Tier I through Tier III
13 services.

14 Q Okay. Aspire was providing all three
15 tiers?

16 A Correct.

17 Q Thanks.

18 (WHEREUPON, Plaintiff's Exhibit-153 was
19 previously marked for identification.)

20 BY MS. COHEN:

21 Q And now let's look at Exhibit 153, which
22 is marked -- it's two documents, Georgia 04393483
23 and Georgia 04393485.

24 The first is an email chain.

25 Do you have that in front of you?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
106

1 A Yes.

2 Q And that's marked 83 and 84.

3 And if we go to the bottom, that's an
4 email from Dimple Desai, who you said was one of
5 your contacts at the Center for Excellence?

6 A Yes.

7 Q And was Ms. Desai working at this time
8 with Wendy Tiegreen on a presentation on Apex
9 billing and reimbursement?

10 A Yes.

11 Q And did you review this in anticipation of
12 the presentation to the CSBs?

13 A Yes.

14 Q And was this email chain part of your
15 review?

16 A I don't understand your question.

17 Q As part of your role in reviewing it, did
18 Ms. Desai send it to you in anticipation of the
19 presentation -- I mean Ms. Tiegreen send it to you
20 in anticipation of the presentation?

21 A Yes.

22 Q Okay. And it says: "Attachments: Billing
23 Claims -- "Billing and Claims Improvement
24 Opportunities 2020 Final."

25 Do you see that?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
107

1 A I do.

2 Q And did you review that at the time you
3 got this email?

4 A I did.

5 Q And when it says final, does that indicate
6 you had reviewed prior drafts?

7 A I did not.

8 Q You did not?

9 A No.

10 Q You're just seeing it for the first time?

11 A Yes.

12 Q So let's, let's look at now the same
13 Exhibit 153, Georgia 04393485 at Pages -- well,
14 let's look at the first page first.

15 This is Ms. Tiegreen's presentation?

16 A Yes.

17 Q And this was for the Apex program, of
18 which you are program manager?

19 A Correct.

20 Q Let's look at Page 4 of the PowerPoint.
21 And this was a presentation that was intended for
22 representatives of the Community Service Boards?

23 A Yes.

24 Q Now, this is very small.

25 A And I left my glasses.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
108

1 Q Can you read it now?

2 A Yes.

3 Q And this is describing the Georgia Apex
4 program, and it talks about the Apex program goals,
5 which are: Prevention and early detection of child
6 and adolescent behavioral health needs; increase
7 statewide access to behavioral health services for
8 children and adolescents; and encouraging
9 sustainable coordination between Georgia's community
10 behavioral health providers and their local
11 counterparts.

12 Do you see that?

13 A Yes.

14 Q Does that accurately state the goal of the
15 Apex program?

16 A It does.

17 Q And it says that the Apex program helps to
18 support program development, relationship building,
19 and embedding providers in schools, and aligning
20 behavioral health supports, such as Positive
21 Behavioral Interventions and Supports.

22 Do you see that?

23 A Yes.

24 Q And the reference to embedding providers,
25 is that a reference to placing the Aspire staff --

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
109

1 excuse me -- the CSB staff actually in the schools?

2 A Yes.

3 Q And that was a feature of the Apex
4 program?

5 A Yes.

6 Q And did that include placing the
7 coordinator in the schools, or was the coordinator
8 based elsewhere?

9 A It varies.

10 Q And it says: Aligning with behavioral
11 support programs, such as Positive Behavioral
12 Intervention and Supports.

13 Do you see that?

14 A Yes.

15 Q Is that a reference to PBIS?

16 A It is.

17 Q Were all of the Apex program schools --
18 did they all have a PBIS system or only some?

19 A Only some.

20 Q So Apex worked with other school -- other
21 school programs that did not have PBIS?

22 A Yes.

23 Q And it goes on to say that the program is
24 a multitierd system of support framework for
25 delivering services to students, and while providers

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

110

1 implement services across all three tiers, they
2 provide prioritized delivery of the MTSS Tier III?

3 A Yes.

4 Q So were all the Apex programs MTSS
5 schools? Did they all use multitiered system of
6 support, or only those that had PBIS?

7 A They all used it.

8 Q Now, it goes on to describe the three
9 multitiered system support tiers, and it says:

10 Within these three tiers, providers may implement
11 preventative community outreach and educational
12 activities related to behaviors with the provision
13 of early intervention services for youth and family
14 and risk factors for early indications of emerging
15 behaviors, in addition to prevention and early
16 intervention.

17 Was it anticipated that the implementation
18 of preventative community outreach and educational
19 activities would be part of every Apex program?

20 A Yes.

21 Q And was it -- were those services
22 generally services that were not reimbursable?

23 A Yes.

24 Q And then the multitiered system of
25 supports, Tier II and Tier III were supports based

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

111

1 on individual need; is that right?

2 A Correct.

3 Q And those were more often services for
4 which reimbursement was provided, either by Medicaid
5 or DBHDD directly?

6 A Correct.

7 Q Okay. And then it lists the allowable
8 DBHDD behavioral health services for each of the
9 services listed below.

10 Do you see that?

11 A Yes.

12 Q So these services are each things that, in
13 essence, in layman's terms, could be billed to
14 Medicaid?

15 A Yes.

16 Q Or else could be charged to DBHDD on a fee
17 for service basis?

18 A Yes.

19 Q And the payment for them was overseen by
20 Care Management Organizations to the extent that
21 DBHDD was not the payor?

22 A Correct.

23 Q Okay. Now, on the next page of this
24 document, which is Page 5 of the PowerPoint, on
25 Georgia 04393485, is a presentation about the Apex

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

112

1 Program Implementation of Additional Developments.

2 Is that right?

3 A Yes.

4 Q And it indicates what the criteria are --

5 A Correct.

6 Q -- for enrollment in the Apex program?

7 A Yes.

8 Q These must be enrolled in a designated
9 public school setting; is that correct?

10 A Correct.

11 Q And they must meet the core customer
12 criteria for child and adolescent services in the
13 DBHDD's provider manual for care providers; is that
14 right?

15 A Yes.

16 Q And were all the services that -- in the
17 Apex program keyed off of the DBHDD provider manual
18 for care providers?

19 A Yes.

20 Q And so -- and then the third criteria is
21 the youth, and when this says "youth," it's
22 referring to the individual student with the mental
23 health problem?

24 A Correct.

25 Q The more challenged.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

113

1 "The youth's level of functioning does not
2 preclude the provision of services in an outpatient
3 milieu."

4 Was that -- does that refer to a
5 requirement for receiving services through the Apex
6 program?

7 A I am not aware.

8 Q You don't know?

9 A No.

10 Q With regard to the first two criteria in
11 this box, youth must be enrolled in designated
12 public schools and then has to meet the core
13 customer criteria for child and adolescent services,
14 those had been features of the Apex program from the
15 beginning, correct?

16 A Correct.

17 Q They weren't just being implemented by
18 virtue of this presentation?

19 A No.

20 Q And then referring to the box that has
21 eight numbers in it, do you see that?

22 A Yes.

23 Q Okay. It says -- No. 1 we've talked
24 about, that it can only be implemented in designated
25 public school settings.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

114

1 No. 2, it is a requirement of the program
2 that it be administered only by approved DBHDD
3 service providers?

4 A Yes.

5 Q And was that to ensure the quality of the
6 services provided?

7 A Yes.

8 Q And the satisfaction of the criteria in
9 the provider manual?

10 A Correct.

11 Q And then it goes on to say: DBHDD
12 services provided via the Apex Program must utilize
13 evidenced based informed practices where these
14 exist?

15 A Yes.

16 Q What are evidence-based informed
17 practices?

18 A Practices -- so there are interventions
19 and programs that have been proven by evidence that
20 they work. That they work.

21 Q And was this something that you had
22 learned about evidence-based practices even before
23 you came to DBHDD?

24 A Yes.

25 Q It was something you studied in school?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

115

1 A Correct, and through my career, life.

2 Q It's broadly accepted practice to require
3 evidence -- an evidence basis for a treatment
4 practice?

5 A Yes.

6 Q Now, it also says that each Apex program
7 must have an established referral process documented
8 by the provider.

9 Was that a requirement that you
10 instituted?

11 A It was here before I got here.

12 Q And what's the purpose of that
13 requirement?

14 A To provide a document that shows how the
15 individual became part of the program.

16 Q And what is -- why is that important?

17 A Because a student has to be referred to
18 our program. So previous knowledge needs to be had
19 of the student before being referred to our program,
20 and that is usually someone within the school system
21 who knows that child.

22 Q How is the referral requirement different
23 at all from what you're working on now as the mental
24 health liaison?

25 A It's individualized by each provider.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
116

1 It's not a universal referral --

2 Q I see.

3 A -- system or form that is used across all
4 providers.

5 Q So is a fair summary to say you don't tell
6 the providers how they should -- how they have to
7 implement their referral system, but you do say they
8 have to have a referral system that is documented?

9 A Correct.

10 Q And it says the Apex Program must be
11 offered year-round including during the summer.

12 Was that a feature of the Apex program
13 that existed prior to your arrival as program
14 manager?

15 A Yes.

16 Q And has it continued --

17 A Yes.

18 Q -- since then?

19 A Yes.

20 Q And what is the reason that a summer
21 program, summer services are required?

22 A Because you don't want to interrupt the
23 flow of services being provided by a child two
24 months without services, can be very detrimental to
25 an individual who is receiving mental health

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

117

1 counseling.

2 Q And it says then, at Bullet 7: Providers
3 must obtain and maintain commitment by the school
4 leadership to support school based behavioral health
5 services, as well as confidential file storage,
6 communication plan for parents, and certain
7 requirements for teachers.

8 Why, why did the Apex program require the
9 commitment of school leadership?

10 A As I stated earlier, it's sort of making
11 sure that you're talking to the necessary people
12 when going on someone else's playing field. Making
13 sure that you are talking to the school leadership
14 to coordinate the efforts that are being brought
15 into their building.

16 Q Does that apply even for schools that have
17 only a very small percentage of students in the Apex
18 system?

19 A Yes. For all schools.

20 Q And were -- what is the relevance of the
21 commitment of the entire school to participate in
22 the Apex system?

23 A I don't understand your question.

24 Q Okay. What this talks about is commitment
25 by school leadership to support school-based

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
118

1 behavioral health, and that's for the entire school;
2 is that correct?

3 A Yes.

4 Q And is there -- does the school offer --
5 does the Apex program offer services to students who
6 are not students with severe emotional disabilities?

7 A Yes. Our Tier I services are offered to
8 anyone, which are universal prevention and education
9 about mental health.

10 Q And why is that an aspect of DBHDD's
11 program?

12 A Because we know that many children don't
13 receive services because they lack their knowledge
14 of mental health challenges or concerns.

15 So we like to educate the entire community
16 about the need to provide prevention for mental
17 health so that you don't need Tier III service,
18 which is more intensive -- more intensive services
19 and/or a crisis doesn't happen.

20 Q You're referring to Tiers II and III?

21 A Yes, I am.

22 Q And it goes on, at the box that has one,
23 two, three, right below the one through eight. Do
24 you see that?

25 A I do.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

119

1 Q It says that a full-time program
2 coordinator is required. Is that a full-time
3 program coordinator for each school or for each
4 Community Service Board?

5 A Each Community Service Board.

6 Q Then it also says that it has to comply
7 with the staffing requirements from the provider
8 manual?

9 A Yes.

10 Q And does that mean that the Apex program
11 providers providing services have to have whatever
12 certification is required by the provider manual for
13 that service?

14 A Correct.

15 Q And that certification and classification
16 is generally furnished by the Medicaid program?

17 A I don't know.

18 Q But it's in the manual in any case?

19 A Yes.

20 Q And then there is a Line 3, refers to
21 supervisees and trainees. What is the requirement
22 with regard to supervisees and trainees?

23 A What is their requirement?

24 Q What is required if you have a supervisee
25 or trainee working?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
120

1 A That they're supervised by someone who is
2 licensed and in the position to supervise.

3 MS. COHEN: Let's take a short break.

4 (A recess was taken.)

5 THE VIDEOGRAPHER: Back on the record at
6 1:09.

7 MS. COHEN: We just talked about Exhibit
8 153.

9 Now we're going to move to Exhibit 20.

10 (WHEREUPON, Plaintiff's Exhibit-20 was
11 previously marked for identification.)

12 BY MS. COHEN:

13 Q You should be looking at Exhibit 20.

14 A I assume I'm looking at the Georgia Apex
15 Program Deliverables.

16 Q Okay. Is this part of what you looked
17 back at when you prepared yourself for this ordeal?

18 A This is the exact document I looked at,
19 yes.

20 Q All right. So what is this document?

21 A This document was created by DBHDD to
22 provide a guidance for mental health providers to
23 implement the Georgia Apex program.

24 Q I don't see a date on this. Do you know
25 the approximate date it was created?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
121

1 A Originally, 2015, but we revised and
2 update every year.

3 Some years there has been no revisions to
4 it and it's just updated, and then year '20 --
5 either 2018 or 2019 we revised it and added a
6 deliverable about training.

7 Q Who are the individuals from DBHDD who
8 contributed to the revisions to the Georgia Apex
9 program document that was revised every year?

10 MS. ROSS: Object to form.

11 You can answer.

12 A Myself, Layla Fitzgerald, and Dante McKay.

13 Q Now, looking at the first paragraph on
14 Page 1 -- I think it comes after the nice literature
15 references. Scroll down.

16 Okay. Do you see on the page Community
17 Provider there's a bold heading that relates to
18 Community Provider Responsibility?

19 A Yes, I see.

20 Q Does this outline the responsibilities and
21 deliverables that were expected from Community
22 Service Boards?

23 A Yes.

24 Q And it says it's updated for fiscal year
25 2021?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
122

1 A Yes.

2 Q So this is a reasonably current one, but
3 there is actually a further updated one; is that
4 right?

5 A We did not update it this year.

6 Q You didn't?

7 A No.

8 Q Why not?

9 A There was nothing that needed to be
10 updated in the deliverables.

11 Q So this is the current, Exhibit 20 is the
12 current guidance for CSBs on the Apex program?

13 A For mental health providers on the Apex
14 program, yes.

15 Q And thank you for the mental health
16 providers. You're adding in the Tier II people.

17 And remember I asked you whether it was
18 sometimes referred to as GAP?

19 I think I probably was referring to this.
20 Under Responsibilities, the first paragraph says:
21 "G.A.P. funds are designed to provide
22 infrastructure/seed funding to cover expenses that
23 providers cannot bill as providers establish and
24 grow their school based mental health programs."

25 Do you see that?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
123

1 A Yes.

2 Q And G-A-P, or GAP, refers to the Georgia
3 Apex program, of course?

4 A Correct.

5 Q And the fund -- it refers to funds for
6 infrastructure/seed programming. Those are the
7 nonreimbursable funds that we discussed previously?

8 A Correct.

9 Q And that was the \$330,000 in Exhibit 177
10 for Aspire for fiscal year '21?

11 A Yes.

12 Q And that was for the infrastructure?

13 A Yes.

14 Q And it says the providers are also
15 "required to maximize utilization of alternative
16 funding streams, including third party payers (such
17 as, Medicaid or private insurance) public targeted
18 and competitive grants, and private foundation
19 funds."

20 Is this a uniform requirement of the Apex
21 system?

22 A Yes.

23 Q And it says, in Paragraph 3: "Targeted
24 schools will be selected based on factors including,
25 but not limited to, Title I status, attendance data,

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
124

1 CCRPI score, PBIS status, and school climate star
2 rating."

3 Do you see that?

4 A Yes.

5 Q What is CCRPI?

6 A I am not familiar with the correct
7 acronym.

8 Q And I am not either.

9 A It's a DOE acronym. DOE.

10 Q The United States Department of Education,
11 or Georgia Department of Education?

12 A To my knowledge, Georgia Department of
13 Education.

14 Q Thank you.

15 And then it says that -- how do each --

16 MS. COHEN: Strike that.

17 BY MS. COHEN:

18 Q How do each of these factors delineated in
19 Paragraph 3 here, how do they come into play in
20 selecting schools by CSBs?

21 A I am not sure.

22 Q But it is required these factors be
23 considered in the selection of schools?

24 A Yes.

25 Q And then Paragraph 4 says: "As a best

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIAJune 24, 2022
125

1 practice, approximately 70 percent of time is
2 dedicated to billable direct services."

3 And then it itemizes DHA, diagnostic
4 assessment, crisis intervention, psychiatric
5 treatment, community supports, and individual
6 services, individual outpatient therapy, group
7 outpatient therapy, family outpatient therapy, and
8 others.

9 So is it a fair summary of Paragraph 4 to
10 say the best practice encouraged for Apex programs
11 CSBs was that they spend 70 percent of their time on
12 reimbursable direct services?

13 A Yes.

14 Q And the service categories are itemized in
15 that paragraph?

16 A Correct.

17 Q And then moving down the sheet to the next
18 page, Paragraph 5: "As a best practice,
19 approximately 30 percent of time is dedicated to
20 nonbillable services such as prevention, education
21 and early intervention services." And these include
22 faculty consultation, student services, team
23 staffing, support groups for students, parent
24 education, staff meetings, and in-service trainings.

25 Do you see that?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
126

1 A Yes.

2 Q And with respect to this 30 percent of the
3 time described in Paragraph 5, that's what was the
4 best practice for the Apex program CSBs and mental
5 health providers?

6 A Yes.

7 Q Thank you.

8 And do services such as prevention,
9 education and early intervention, do those take
10 place in segregated settings that are for only
11 students with severe emotional disturbances, or do
12 they take place in settings that involve general
13 education students as well?

14 A It involves general education students as
15 well.

16 Q And is that an important principle of the
17 Apex program?

18 A Yes.

19 Q Why is that?

20 A The more knowledge and education you have
21 about a topic, the better you are in receiving
22 services or therapies around that specific
23 challenge.

24 It's to break the stigma.

25 Q The stigma of mental health?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
127

1 A Yes.

2 Q So that is part of the philosophy of the
3 office of OCYF?

4 A Yes.

5 Q That services be delivered in integrated
6 settings?

7 A Yes.

8 Q And the purpose that serves -- one purpose
9 that serves, among others, is to break the stigma of
10 mental health that might occur through segregated
11 mental health service treatment?

12 A It's to break the stigma around mental
13 health for all, whether it's a segregated program or
14 the general population.

15 Q I didn't ask that very well. So let me
16 just try again.

17 A Okay.

18 Q You require -- it is recommended for Apex
19 providers that services be provided in an integrated
20 setting across the whole school for prevention and
21 education to break the stigma of mental health?

22 A Yes.

23 Q Now, I'm paging down to the next bold
24 heading where it says "Deliverables."

25 A Uh-huh. Yes.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
128

1 Q And these -- are these deliverables that
2 DBHDD required of mental health providers working in
3 the Apex program?

4 A Yes.

5 Q And it says in Paragraph 1: "Complete all
6 surveys developed by G.A.P administrative partner."

7 That's Georgia Apex Program Administrative
8 Partner, the Center of Excellence, within stated
9 deadlines.

10 What does that deliverable refer to?

11 A The monthly reports that come from the COE
12 to the mental health providers.

13 Q So one of the deliverables that DBHDD
14 expected from its Apex program mental health
15 providers was to complete surveys disseminated by
16 the Center of Excellence within stated deadlines?

17 A Yes.

18 Q And how frequently were those surveys
19 distributed?

20 A So these are actually monthly reports that
21 go in -- that are submitted monthly to COE.

22 Q So data was required to be submitted on a
23 monthly basis?

24 A Yes.

25 Q Okay. And then it says -- and so those

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
129

1 were monthly progress reports; is that correct?

2 A Evaluation.

3 Q Monthly evaluation?

4 A Yes.

5 Q And then the next paragraph, Paragraph 2,
6 says: Submit 12 monthly progress reports (MPR) to
7 the Center for Excellence.

8 What is -- what are monthly progress
9 reports?

10 A Reports on progress of staff, development
11 retention, not necessarily to the implementation of
12 services provided to the child.

13 Q Why was this information required as the
14 deliverable in the Apex program?

15 A To understand the needs of the provider
16 and employee by -- during implementation of the
17 program.

18 Q And then Paragraph 3, it refers to monthly
19 programmatic reports, which it says supplement the
20 monthly progress reports.

21 Do you see that?

22 A Yes.

23 Q And that -- what needs to be included in
24 that is then itemized in the paragraph?

25 A Yes.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
130

1 Q And there are metrics; is that correct?

2 A Yes.

3 Q What are some of the metrics?

4 A A number of services provided, number of
5 schools served, types of services provided, staff
6 utilized to provide those services, trainings needed
7 for staff and/or for schools.

8 There's several things. I wasn't even
9 looking at this.

10 And then there's some data that we request
11 from the school district that relates to attendance
12 and disciplinary referrals.

13 Q What was the purpose of requiring
14 information regarding attendance?

15 A To show the impact of the program.

16 Q Whether or not it was having a positive
17 effect on attendance?

18 A Yes.

19 Q Attendance is something that the Apex
20 program hopes to encourage, right?

21 A Correct.

22 Q And then -- because it's quite common if
23 individuals have mental health problems that
24 attendance may lag?

25 A Yes.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
131

1 Q And why, why was the Apex program tracking
2 information regarding disciplinary referrals?

3 A Same reason. It is common knowledge that
4 children who have mental health challenges and/or
5 illnesses have astronomical numbers of disciplinary
6 referrals.

7 Q So you were really establishing a
8 numerical base, baseline, to determine whether there
9 was improvement over a period?

10 A Correct.

11 Q And did you tell the -- did the Apex
12 program tell the mental health providers what
13 metrics to use, or was that left up to the
14 providers?

15 A No. We told them. We provide that.

16 Q Were those designed by the Center of
17 Excellence to study the results of the Apex program?

18 A In tandem with DBHDD, yes.

19 Q With you and Dante from DBHDD?

20 A So initially with Dante, and when I came
21 on I've helped to revise and review them on an
22 ongoing basis.

23 Q Understood.

24 And then in Paragraph 4 it says:

25 "Coordinate a minimum of two Mental Health First Aid

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIAJune 24, 2022
132

1 trainings with Mental Health America Georgia."

2 Why was that required?

3 A The same reason as to provide information
4 and education to break the stigma in those schools
5 by providing mental health first aid. So it gives
6 staff, teachers, if parents were invited, a baseline
7 of how to -- for signs and recognition for mental
8 health challenges.

9 Q In Paragraph 5 it says: "Increase
10 visibility for the Apex program by" -- and I guess
11 this is the CSB, or other mental health provider
12 needs, to participate in a minimum of one status
13 update meeting for period, et cetera, and provide
14 remarks during a school board meeting?

15 A Yes.

16 Q And then there is equipment furnished, and
17 then Paragraph 7: "To monitor proper implementation
18 of the model according to fidelity."

19 Do you see that?

20 A Uh-huh. Yes.

21 Q What was required there?

22 A Completing the surveys that were provided
23 through the Center of Excellence.

24 Q And that was because DBHDD recognized
25 participating community behavioral health providers

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
133

1 needed to have evaluation and technical assistance?

2 A Yes.

3 Q To achieve the best possible outcomes?

4 A Yes.

5 Q And what was the access of providers in
6 CSB to ask questions of the Center of Excellence?

7 A What was the --

8 Q If CSBs had questions about metrics or
9 evaluations, did they have access to the Center of
10 Excellence to ask those questions?

11 A Yes. Initially, they were connected to an
12 actual individual who oversaw a cohort of our
13 providers. So there were four to five -- my brain
14 is not servicing me well right now.

15 There were four to five individuals who
16 were overseeing the technical assistance, and each
17 person had a group of providers that they kept in
18 constant contact with, when we first started -- when
19 I first started, for technical assistants.

20 After 2018, 2019 year, we decided to move
21 to a more peer technical assistance. So they don't
22 have an actual one person to reach out to but they
23 sort of reach out to each other, and then any
24 questions that come out of that are then posed to
25 the Center of Excellence team to bring to the larger

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

134

1 group for us to try to inform and educate our
2 program.

3 Q Has that been effective?

4 A Very.

5 Q So looking at -- why did, why did DBHDD
6 make that change to the peer system from having a
7 direct advisor system at COE?

8 A So before this last cohort, which would
9 have been Apex 3.0, most of our providers had been
10 on since 2015. So they weren't needing the
11 individualized technical assistance, and we were
12 wanting them to learn on a more broader basis for
13 the Apex program.

14 But we have and since brought on new
15 providers who need one-on-one assistance, who
16 receives it -- who receives it currently through an
17 individual, but it's not our full layout for
18 technical assistance for the providers.

19 Q Understood.

20 So looking at Exhibit 20, which we've just
21 talked our way through --

22 A Yes.

23 Q -- are these the requirements and
24 deliverables necessary to provide effective mental
25 health services to schools in the judgment of DBHDD?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

135

1 A Yes.

2 Q Okay. We can put that exhibit aside.

3 We are making some progress here.

4 A Perfect.

5 Q The next section is Stuff for Layla, which
6 is the title I think that Dante McKay put on your
7 introductory package. So let's pull that up

8 This was in May of 2017; is that right?

9 A Yes. This is the everyday list that comes
10 from Dante, the Layla's pile.

11 MS. COHEN: We're going to mark all 10
12 pieces as the same exhibit.

13 I'd like to mark them as one exhibit but I
14 could also mark them separately.

15 (Discussion ensued off the record.)

16 MS. COHEN: We'll work our way through
17 this one document at a time.

18 So the next exhibit, 178, is an email from
19 Dante McKay to Layla Fitzgerald, subject line:
20 "Stuff for Layla."

21 (WHEREUPON, Plaintiff's Exhibit-178 was
22 marked for identification.)

23 BY MS. COHEN:

24 Q Do you see this?

25 A Yes.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
136

1 Q Do you recall receiving this in May of
2 2017?

3 A Yes.

4 Q And was this an introductory package
5 essentially to give you information that was
6 necessary to you as program manager for Apex?

7 A For all of the programs I was overseeing.

8 Q And none has attachments, and we will go
9 first to the CYF Overview, which is PowerPoint
10 presentation with Jewell Gooding's name on it, and
11 it has the Bates numbers Georgia 03117521.

12 While we're pulling that up --

13 MS. ROSS: I don't have that one. Is that
14 one of the tabs?

15 MS. COHEN: It's 179.

16 So that will be Exhibit 179.

17 (WHEREUPON, Plaintiff's Exhibit-179 was
18 marked for identification.)

19 BY MS. COHEN:

20 Q Who is Jewell Gooding?

21 A Jewell Gooding was the previous person who
22 over -- who was the program manager for OCYF before
23 I was.

24 Q She had your job before?

25 A Yes.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
137

1 Q And where is she now?

2 A She's now executive director of Silence
3 the Shame. Silence the Shame.

4 MS. COHEN: That's 179, GA03117521.

5 MS. ROSS: Could we please go off the
6 record for a second.

7 THE VIDEOGRAPHER: Off the record at 1:33.

8 (Discussion ensued off the record.)

9 THE VIDEOGRAPHER: Back on the record,
10 1:34.

11 MS. COHEN: Here is the exhibit, Alexa.

12 MS. ROSS: Thank you. As clear as can be.

13 BY MS. COHEN:

14 Q This was a presentation that Dante sent
15 you in May of 2017?

16 A Yes.

17 Q And you weren't there for that
18 presentation, were you?

19 A No.

20 Q But this -- but you read through it when
21 Dante sent it to you?

22 A Yes.

23 Q And it relates to the standard of care
24 system as it affects the Apex program; is that
25 right?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
138

1 A I'll have to -- I haven't reviewed it
2 since May of 2017.

3 Q Would you like us to give you control?

4 A Sure.

5 Q And I meant System of Care in my question.

6 A Do I now have control? Yes.

7 (Witness reviews exhibits.)

8 A It's just all of our stuff. Okay.

9 Q Okay? Feel ready to answer questions
10 about it?

11 A Sure.

12 Q Okay. So this slide presentation is --
13 MS. COHEN: Let's go back to the second
14 page.

15 Q You have control?

16 A Are you taking over now?

17 Q I'll take it back. Okay.

18 So this describes the System of Care that
19 is an integrated system of service delivery where
20 more than one agency works in partnership to deliver
21 mental health services?

22 A Yes.

23 Q And this is the system -- this
24 implementation of the System of Care by DBHDD was
25 intended to fulfill the requirement of the Georgia

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
139

1 statute; isn't that right?

2 A Correct.

3 Q And, in fact, in school-age children's
4 behavioral research systems of care have been found
5 to decrease behavioral and emotional problems?

6 MS. ROSS: Object to form.

7 A Yes.

8 Q And also suicide rates?

9 A Yes.

10 Q And substance use?

11 A Yes.

12 Q And involvement with Juvenile Justice?

13 A Yes.

14 Q And it's also been shown that a System of
15 Care for behavioral health will increase school
16 attendance in grades?

17 A That's what --

18 MS. ROSS: Object to form.

19 A That's what research shows.

20 Q And part of the guiding principles of the
21 System of Care are the availability of and access to
22 a broad array of services?

23 A Yes.

24 Q And individualized service delivery?

25 A I am not sure if it states it like that.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
140

1 Q And it's based on evidence-based or
2 promising practices?

3 A Yes.

4 Q And it is delivered in the least
5 restrictive environment --

6 MS. ROSS: Object to form.

7 Q -- of mental health services?

8 MS. ROSS: Sorry.

9 Object to form.

10 A To my knowledge.

11 Q And least restrictive is really a
12 shorthand for saying that services should be
13 provided in the least restrained or restricted
14 environment appropriate to the student?

15 MS. ROSS: Object to form.

16 A Yes.

17 Q And it's a principle of the System of Care
18 to work -- the agency's working in partnership both
19 with the youth and family?

20 A Yes.

21 Q Do you personally agree with each of these
22 principles?

23 A I do.

24 MS. ROSS: Object to form.

25 Q Now, looking at Slide 5, this is the

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

141

1 office of -- this is -- next one.

2 This describes a partnership between the
3 Department of Community Health and the Department of
4 Behavioral Health and Developmental Disabilities,
5 right?

6 A Yes.

7 Q And that partnership was developed to
8 provide comprehensive mental health services in
9 schools to children?

10 A This partnership?

11 Q Yeah.

12 A Not to my knowledge.

13 Q What is this -- the point of this
14 partnership?

15 A DCH oversees the payors of services
16 provided. This has -- that is not -- that's outside
17 of the Georgia Apex program. Like that's a
18 connection between the two departments.

19 Q Got it.

20 A DCH oversees Medicaid. Department of
21 Behavioral Health provides the service.

22 Q And looking at Page 6, this is the target
23 population. This accurately describes the target
24 population for the System of Care?

25 A No. For DBHDD Office of Children and

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
142

1 Young --

2 Q For DBHDD?

3 A Yes.

4 Q Then slide 10 describes the Georgia Apex
5 project as it was in February of 2017?

6 Do you see that?

7 A Yes. I was reading.

8 Q Yeah. And it includes a number of
9 providers awarded and the services that are provided
10 in school, and then the aims of the program, early
11 detection access, and increased coordination between
12 community mental health providers and the local
13 schools?

14 A Correct.

15 Q All right. Now, the next document
16 attached to Mr. McKay's email is the Year One Apex
17 evaluation, and that had just been completed when
18 you came on board; is that correct?

19 A Yes.

20 MS. COHEN: So we'll mark as Exhibit 180
21 the Apex Year One Report, GA03117522.

22 (WHEREUPON, Plaintiff's Exhibit-180 was
23 marked for identification.)

24 BY MS. COHEN:

25 Q Are you able to see it?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
143

1 A Yes.

2 MS. COHEN: Are you able to see it, Alexa?

3 BY MS. COHEN:

4 Q And this is a -- why don't you tell us in
5 your language what this is?

6 A This is the year one report of an overview
7 of the data collected by the Center of Excellence
8 for the first year of the Georgia Apex program.

9 Q What was the tool that the Center of
10 Excellence used to evaluate the schools?

11 A The platform or the tool?

12 Q The tool?

13 A There was an evaluation, tools, survey,
14 report created in tandem with DBHDD that was sent
15 out to the providers from the Center of Excellence.

16 Q Was that the Mental Health Planning and
17 Evaluation tool?

18 A It's the MHPT, the Mental Health
19 Evaluation --

20 Q MHPT?

21 A -- Platform. Yes. MH -- yes, that's it.

22 You said it out. I'm used to saying MHPT,
23 and you stated the full name. So, yes, it is the
24 tool.

25 Q MHPT?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
144

1 A Yes.

2 Q We can see that.

3 We're on Page 24 of this exhibit.

4 If you look at the last paragraph on Page
5 24, it says: "The Center of Excellence utilized the
6 Mental Health Planning and Evaluation Tool?

7 A Yes.

8 Q The MHPT, to examine program
9 implementation and partnership efforts?

10 A Correct.

11 Q That's the tool that you've talked about
12 that was jointly develop between DBHDD and the
13 Center of Excellence?

14 A Yes.

15 Q In this first evaluation report, the
16 Center of Excellence essentially developed a process
17 that it has used in critical respects each year to
18 evaluate the performance of the Apex program; is
19 that right?

20 A Yes.

21 Q And is that the performance of the program
22 as a whole?

23 A As a whole and individually.

24 Q As a whole and then broken down by CSBs is
25 what you mean by -- mental health providers is what

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
145

1 you mean by individually?

2 A Yes.

3 Q Thank you.

4 And providers were annually required to
5 submit midpoint and year end evaluations?

6 A Yes.

7 MS. COHEN: Let's now look at Exhibit 181,
8 which is GA03117549.

9 It's titled "MPR March 2017."

10 (WHEREUPON, Plaintiff's Exhibit-181 was
11 marked for identification.)

12 BY MS. COHEN:

13 Q Can you tell us what we're looking at once
14 we put it up?

15 A Yes.

16 MS. COHEN: Exhibit 181 -- no, I'm sorry.
17 We'll do GA03117549, as I said previously.
18 Let's put that up.

19 BY MS. COHEN:

20 Q Can you identify Exhibit 181, Ms.
21 Fitzgerald?

22 A I am -- this seems to be a list of schools
23 -- I was trying to figure out what this was.

24 This seems to be a list of schools per
25 provider report.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

146

1 Q Do you see --

2 A I can't see the title of this.

3 Q We're going to give you control so you can
4 flip through it.

5 A Okay. This is a list of schools per
6 provider.

7 Q Let's see if we can get a better picture.

8 A Something weird is happening on my side.
9 I think I maximized it and it's not showing.

10 Q Do you know how to toggle this with the
11 bars at the bottom?

12 A Uh-hum. (Affirmative.)

13 Q The scroll bars won't allow you to see
14 other columns to the right.

15 A Now, my Zoom screen won't allow me to get
16 to where I can toggle across. I can go up and down.
17 I can't go across.

18 But it looks like the list of schoolings
19 per provider.

20 Q It says on the tab GAP MPR Year Two --

21 A Yes, so it's the --

22 Q -- for the month of March.

23 A It's the list of schools per provider
24 that's provided through the CEO. So each provider
25 has -- reports on a specific school and this is the

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
147

1 list that's provided from the COE.

2 Q Can I take control back.

3 Now, I'm going to toggle across, if I'm
4 able to do that.

5 A Or is this -- the word referral.

6 Q You see I have my cursor at the bottom?

7 A Yeah, but I can't get to -- what you're
8 doing, I'm only able to be on my Zoom controls.

9 Q Understood. Understood.

10 A So this looks like the list of schoolings
11 and referral sources per each school.

12 Q You'll see that it has the name, the way
13 this chart reads, and the tab at the bottom says
14 "GAP," which refers to Georgia Apex Program?

15 A Uh-hum. (Affirmative.)

16 Q And "MPR," which refers to Monthly
17 Progress Report? Do you see that?

18 And it has the list of schools, and then
19 in Column Z through AG, it has objective A: Include
20 the number of students by referral source?

21 A This is the breakdown of the MHPT into an
22 Excel spreadsheet. So this has all -- it looks --
23 if you keep scrolling across -- keep going. If you
24 keep scrolling, yeah.

25 It sort of shows all of the questions that

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
148

1 are asked on the MHPT and it's dropped down in a
2 report like this.

3 Q I see. So Column AI, for example, has
4 Behavioral Health Assessment. This is the number of
5 students per school that received behavioral health
6 assessment?

7 A Correct.

8 Q And then the next column is Diagnostic
9 Assessment --

10 A Correct.

11 Q -- for those schools?

12 And then Crisis Intervention?

13 A Correct.

14 Q Psychiatric Treatment?

15 A Correct.

16 Q And what is CSIS?

17 A Community supports for individual --
18 community services for individual -- it's confusing.
19 Sorry for you.

20 Community supports -- Community Support
21 for Individual Services.

22 Q And then IOS, in Column BJ is what?

23 A Not familiar with the acronym. I would
24 have to review the report.

25 Q Is it intensive --

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
149

1 A Outpatient services.

2 Q -- outpatient services?

3 It's intensive outpatient.

4 A Oh, sorry, we're at the same time.

5 Q And the next category in columns BN and BO
6 is Group Outpatient?

7 A Yes.

8 Q And then scrolling across, it has a
9 section on billing --

10 A Yes.

11 Q -- in Column CD through CL?

12 A Yes.

13 Q And what does this column ask the provider
14 to report?

15 A What type of billing the provider utilized
16 for the services provided to the child.

17 Q And then the next column has CANS Data.
18 What is CANS?

19 A CANS is our individual assessment that
20 shows improvement for individual after ongoing
21 treatment services.

22 Q Then Objective 2, "provide for early
23 detection of students with mental health needs."

24 Do you see that?

25 A Yes.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
150

1 Q And this indicates the number of first
2 time students referred for mental health treatment?

3 A Yes.

4 Q And including some of the services that we
5 just talked about a moment ago?

6 A For that first time group, yes.

7 Q Then I think -- okay.

8 Now, this is a report that the Center of
9 Excellence kicked out monthly?

10 A The current one we're looking at?

11 Q Yes.

12 A Yes.

13 Q And this is for March, in fact, of 2017?

14 A I cannot see the document, so I'm
15 assuming.

16 Q But you received one of these -- received
17 one of these every month; is that correct?

18 A Yes.

19 Q And the -- providing these reports by the
20 individual mental health providers is one of the
21 deliverables that is required?

22 A Yes.

23 MS. COHEN: And now we'll mark GA3117550
24 the Monthly Programmatic Report.

25 Let's hold it for a second.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
151

1 BY MS. COHEN:

2 Q And so what we're looking at and attached
3 to this email is the monthly reporting from the
4 Center of Excellence, right?

5 A Yes.

6 Q And that was a monthly roll-up of data
7 provided by individual Community Service Boards?

8 A Mental health providers.

9 Q And mental health providers. Thank you.
10 So we looked also at the Stuff For Layla
11 package.

12 At some point in your first six months at
13 DBHDD, you reached out to the providers directly to
14 get more information about the program; is that
15 right?

16 A Yes.

17 Q Was Nicole Wasdin one of those?

18 A Yes.

19 Q Who is Ms. Wasdin?

20 A Ms. Wasdin used to be the Apex therapist
21 at Albany Community Service Board.

22 Q And was she -- did she provide you with
23 information?

24 A Yes.

25 MS. COHEN: Let's mark as Exhibit 182

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
152

GA031008 an email dated October 23rd, 2017,
from Nicole Wasdin to you.

(WHEREUPON, Plaintiff's Exhibit-182 was
marked for identification.)

MS. COHEN: Why don't we take a short
break. No need for you guys to sit here while
we're having technical problems.

THE VIDEOGRAPHER: Off record at 2:00 p.m.
(A recess was taken.)

THE VIDEOGRAPHER: On record at 2:11.

MS. COHEN: What is the elapsed time,
Jason?

THE VIDEOGRAPHER: 3 hours and 21 minutes.

MS. COHEN: Okay.

BY MS. COHEN:

Q So first I'm going to show you an email
chain with the top email being an email from Nicole
Wasdin, who we were referring to.

A Yes.

Q Dated October 23rd, 2017.

Do you recognize this as an email chain
you received?

A Yes.

Q And you had asked her for some
information; is that right?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
153

1 A It appears to be.

2 Q Because she says: "Here is some of the
3 information that you asked for."

4 And this relates -- Ms. Wasdin was -- is
5 an employee of the Aspire CSB?

6 A Yes.

7 Q And this relates to the Aspire program?

8 A Correct.

9 Q In fact, Ms. Wasdin says: "The
10 attachments above explained below are specific to
11 Apex and how we have chosen to develop the program,"
12 and she's referring to how Aspire had chosen to
13 develop the Apex program?

14 A Yes.

15 Q And then she also says that there's a list
16 of schools that they're providing services to that
17 are not covered by Apex?

18 A Yes.

19 Q And so the CSBs weren't restricted by the
20 Apex program where they could provide services?

21 A No. Many of our providers were doing
22 school-based mental health prior to the Georgia Apex
23 Program's inception.

24 Q And did some of them continue providing
25 school-based mental health outside of the Apex

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
154

1 program?

2 A To my knowledge, yes.

3 Q By doing so, they would forego the
4 infrastructure money; is that right?

5 A Yes.

6 Q But at the same time I suppose they
7 wouldn't have the reporting requirements?

8 A They do not have the reporting
9 requirements, no.

10 Q And then the attachment, she goes on to
11 say -- do you see that? "Include an example of
12 school data independently collected and chartered"?

13 A Yes.

14 Q And Aspire Apex consent form and
15 individualized cover letter for Apex, a weekly
16 monitoring report, a monthly progress report, a
17 first year school collaborative meeting, and other
18 documents relating to their delivery of Apex
19 services?

20 A Yes. Created by Aspire.

21 Q Now, I'm not going to look at all 16 of
22 these exhibits, but I would like to look at a couple
23 of them.

24 MS. COHEN: First, let's look at the
25 school wide data, which is GA03130011.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
155

1 We'll mark that as Exhibit No. 183.

2 (WHEREUPON, Plaintiff's Exhibit-183 was
3 marked for identification.)

4 MS. COHEN: Can we give Ms. Fitzgerald
5 control.

6 BY MS. COHEN:

7 Q I'm going to let you flip through and
8 familiarize yourself with this.

9 (witness reviews exhibit.)

10 Q I'm going to take control back and
11 navigate it with you.

12 A I went through the different tabs, and
13 then I went --

14 Q I see.

15 A Yes, I've reviewed. They're the same on
16 each tab, just different schools.

17 Q The tabs refer to different schools served
18 by Aspire in the Apex program?

19 A Yes.

20 Q And is this a monthly data tracking report
21 provided by Aspire with regard to these schools?

22 A It's not provided to us, no.

23 Q Provided by Aspire to collect -- excuse
24 me. Okay.

25 MS. COHEN: Strike that.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
156

1 BY MS. COHEN:

2 Q Is this data collected by Aspire as part
3 of the Apex program for these schools at different
4 time intervals?

5 A Yes.

6 Q And, for example, it tracks attendance at
7 nine-week intervals throughout the school year?

8 A Yes.

9 Q And it tracks grade point average?

10 A Yes.

11 Q Why are these metrics included?

12 A These are metrics that are looked at to
13 see that the implementation of the Georgia Apex
14 Program has impact on the child, in these specific
15 areas.

16 Q And it also tracks absences?

17 A Yes.

18 Q And how does this -- do you receive these
19 charts directly from the CSB?

20 A Not in this format, but this same
21 information is included in the impact that they
22 answer questions on.

23 Q And does this -- the information comes to
24 you periodically in the evaluation from the Center
25 of Excellence?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
157

1 A Yes.

2 Q And it also includes the behavioral
3 referral numbers?

4 A Yes.

5 Q And by toggling from tab to tab, can you
6 see the different school -- the same data for the
7 different schools served by Aspire, correct?

8 A Correct.

9 Q Okay. And this is one of the deliverables
10 that we just -- from the Georgia Apex Program
11 guidance that we just looked at?

12 A Yes.

13 Q I'm also going to look with you at a -- do
14 you need to take a break?

15 A No. I'm loving the break.

16 Q It also tracks in the cc's --

17 MS. COHEN: Let's put up the cover email
18 182 again.

19 BY MS. COHEN:

20 Q I'm going to put back up 182. If you look
21 at 182, you can see that she has sent you various
22 forms, including school-wide data, referral letter,
23 the consent form, the weekly monitoring report, the
24 monthly progress report, and Apex meeting reports,
25 and consent forms, and then the RHH mid-year

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
158

1 meeting, mid-year Apex meeting, and the DBHDD Apex
2 presentation.

3 Do you see that?

4 A I don't see it but I read it before. I
5 don't see it currently. I just see the top of the
6 email right now.

7 Q I was referring to the attachments that
8 are listed at the top of the email.

9 Do you see that?

10 A On my side I only see -- oh, yes, yes. I
11 do see. I'm sorry. My video box was over that.

12 Q And those are the attachments you received
13 from Nicole Wasdin in October of 2017?

14 A According to this email, yes.

15 Q And these are the deliverables that were
16 provided as part of the Apex program on a periodic
17 basis as required --

18 A No.

19 Q -- to COE?

20 A No.

21 Q No?

22 A These documents were asked in reference to
23 what documents they used with schools.

24 Q I see. To collect information?

25 A Correct.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
159

1 Q Got it.

2 MS. COHEN: Now, let's look at and mark as
3 Exhibit 183 GA03130014.

4 184. Thank you.

5 (WHEREUPON, Plaintiff's Exhibit-184 was
6 marked for identification.)

7 BY MS. COHEN:

8 Q This is one of the forms you're referring
9 to, the weekly monitoring report form?

10 A That I'm referring to?

11 Q Excuse me. That Ms. Wasdin sent to you?

12 A Yes.

13 Q And this is a form that was required by
14 Aspire from each school to track referrals and
15 students receiving Apex services?

16 A Yes. This was created by Aspire.

17 Q And that was to supply the reporting that
18 Aspire then provided to the Center of Excellence,
19 which in turn provided it to DBHDD?

20 A Yes.

21 MS. COHEN: Let's look at Exhibit 185,
22 which is GA03130022.

23 (WHEREUPON, Plaintiff's Exhibit-185 was
24 marked for identification.)
25

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
160

1 BY MS. COHEN:

2 Q And these are notes titled, "Apex Meeting
3 Year One, Saudia Powell and Nicole Wasdin."

4 MS. COHEN: S-A-U-D-I-A. Saudia.

5 Q And these record a -- one of the required
6 meetings of the CSB; is that right?

7 A As I review the information, it looks like
8 it came from one of the meetings, yes.

9 Q It was a meeting by Aspire with the Worth
10 County schools?

11 A Yes.

12 Q And it refers to office space for the Apex
13 program?

14 A I'm assuming that it refers to
15 implementing the Apex program in Worth County
16 schools and what all is needed to implement that
17 program in the school.

18 Q But this is the type of information that
19 Apex providers were required to collect and track?

20 A They were required to have the meetings.
21 They weren't required to track the --

22 Q To have the meetings?

23 A Yes.

24 Q And this documents the meetings and the
25 subjects that were discussed at the meeting?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
161

1 A This is the -- yes, minutes from -- again,
2 this was not done by myself. It was done by an
3 individual provider.

4 Q It was provided to you --

5 A From --

6 Q -- by Ms. Wasdin?

7 A Yes.

8 Q And you understood it to be minutes of the
9 meeting with the school system?

10 A Yes.

11 Q As required by the Apex program
12 deliverables?

13 A Yes.

14 Q Now, had you heard of the GNETS program
15 before you joined DBHDD?

16 A No.

17 Q When did you first -- who are the
18 principal people who first told you about it?

19 A Dante McKay.

20 Q And what did he say to you?

21 Was this shortly after you arrived at
22 DBHDD, or prior to your arrival?

23 A After I arrived.

24 Q After you arrived?

25 A Yes.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
162

1 Q And during your first six months at DBHDD
2 did you have one conversation or more than one
3 conversation with Mr. McKay that referred to the
4 GNETS program?

5 A I am not sure of how many times that
6 happened in the first six months, but I am sure we
7 had a conversation about the GNETS program.

8 Q Did you have one or more than one?

9 A I'm sure it was more than one.

10 Q And as best you can recall, what comments
11 did Mr. McKay make about the GNETS program?

12 A That the Apex --

13 Q I'm sorry.

14 With Mr. McKay, did you have a
15 conversation about the GNETS program during your
16 first six months at DBHDD?

17 A Yes.

18 Q Okay. And was that one conversation or
19 more than one?

20 A More than one.

21 Q Are you able to recall any specific
22 conversation?

23 A Sure.

24 Q When was the first conversation?

25 A Time frame, I'm not sure. Within the

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
163

1 first six months of my employment, I assume.

2 Q What did Mr. McKay say to you about the
3 GNETS program?

4 A That the Apex program should not serve a
5 GNETS school.

6 Q And did you ask him why not?

7 A I did.

8 Q And what did he say?

9 A That the GNETS program is a separate
10 entity that comes with its own funding source to
11 provide mental health services to children in its
12 programs.

13 Q Did he say anything else about the GNETS
14 program?

15 A To make sure to inform providers of that
16 information as well.

17 Q And were there other comments that he
18 made?

19 A No.

20 Q Did he tell you whether or not that was a
21 school-based mental health program?

22 A No.

23 Q Or whether children were required to
24 commute?

25 A No.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
164

1 Q With respect to the GNETS program, did
2 DBHDD receive the kind of reporting that it received
3 for the Apex program?

4 MS. ROSS: Object to the form.

5 A No.

6 Q Did, did you talk about the GNETS program
7 with others during that first six-month period?

8 A Other than relaying that information to
9 providers, no.

10 Q You didn't talk about GNETS with anyone
11 else at DBHDD during your first six months?

12 A No.

13 Q Did you understand that the students in
14 the GNETS program were individuals for whom DBHDD
15 had responsibility?

16 MS. ROSS: Object to the form.

17 A Repeat the question.

18 Q Yeah. Did you understand that the
19 students in the GNETS program were students for whom
20 DBHDD had responsibility?

21 MS. ROSS: Same objection.

22 Object to form.

23 A I know that DBHDD services all children
24 across the State of Georgia regardless of what
25 program you're in, outside of the Apex program. The

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
165

1 DBHDD itself services children. The Apex program
2 has specific criteria for the program itself.

3 Q And what steps did you take as the program
4 manager of the Apex program to ascertain whether
5 students attending the GNETS program met the
6 criteria for the Apex program?

7 A I did not. I don't deal with individual
8 students. I deal with the provider themselves.

9 So other than relaying the information
10 that we do not service a GNETS school, I had no
11 other communication about the GNETS program.

12 Q Did you -- did you hear that the GNETS
13 program used different practices from the practices
14 that were required in the Apex program?

15 A No.

16 Q Did you learn whether or not GNETS used
17 evidence-based practices?

18 A No.

19 Q Did you hear that students who went to
20 GNETS centers did not attend their home school?

21 A I did know --

22 MS. ROSS: Object to form.

23 A I did know that.

24 Q What did you know about that?

25 A That students were sent from their home

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
166

1 schools to GNETS programs.

2 Q And they were in classrooms that were
3 segregated from other students?

4 MS. ROSS: Object to form.

5 A I did not know that.

6 Q Did you -- did you learn that students in
7 GNETS classrooms at schools that had general
8 education classes had little contact with other
9 students?

10 A I did not.

11 Q Did you know that GNETS was a program for
12 emotionally and behaviorally challenged children?

13 MS. ROSS: Object to form.

14 A At what time did I know that?

15 Q Well, let's do it by time period.

16 A Okay.

17 Q How about in the first six months?

18 A I did not.

19 Q When did you learn that GNETS was a mental
20 health program?

21 MS. ROSS: Object to form.

22 A Not sure on exact time, but I would say
23 around -- in the second or third year of my being at
24 DBHDD.

25 Q And how did it come to your attention?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
167

1 A My own research. Through my own research
2 of wondering what GNETS programs provided.

3 Q When did you do that research?

4 A 2018, 2019, I would say. Just thinking.
5 My brain -- just think of where my brain was at that
6 time, trying to figure out the DOE system, if you
7 would say.

8 Q What did you learn through your research
9 about the GNETS program?

10 A That it was a very isolated program
11 serviced by the Georgia Department of Education.

12 Q Was -- I think you previously said that
13 GNETS was not part of the System of Care that DBHDD
14 was part of?

15 A Not to my knowledge, no.

16 Q And when you say isolated, you mean that
17 it was only served by a single agency?

18 MS. ROSS: Object to form.

19 A No. That it was isolated within the
20 Department of Education. Like you had your
21 quote-unquote, regular school program building, and
22 then you had a totally separate GNETS building for
23 students who were referred from their home school to
24 the GNETS program because of behavior infractions.

25 Q So you learned that it was a program for

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
168

1 behavioral infractions?

2 A From understanding the research and what I
3 read, yes. Not giving that as that was the
4 description of the actual program.

5 Q Did you discuss that information with
6 anyone at DBHDD?

7 A No.

8 Q Did you discuss it with Mr. McKay when you
9 were doing the research?

10 A I did not.

11 Q Did you hear that GNETS students used
12 separate playgrounds or the same playgrounds at
13 different times from other students in general
14 education settings?

15 A No.

16 Q Did you -- other than the conversation in
17 which Mr. McKay told you as the project manager of
18 the Apex program that the GNETS program was
19 separate, did he -- you have any other conversations
20 with him about the GNETS program?

21 A No.

22 Q How did you learn the entrance criteria
23 for admission into GNETS?

24 MS. ROSS: Objection to form.

25 A Through research, and I still don't know

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
169

1 the admission criteria for GNETS.

2 Q But you understand that it's for children
3 with behavioral infractions?

4 MS. ROSS: Same objection.

5 A Yes.

6 Q What differentiates those students from
7 the students in the Apex program?

8 MS. ROSS: Object to form.

9 A What differentiates that student from a
10 student in the Apex program? They're the same
11 student in need of services. I don't think
12 anything, in my eye, differentiates them from either
13 program. Other than the Apex program does not
14 provide treatment service for behavior. We provide
15 treatment services for mental health challenges
16 and/or illnesses.

17 Q Do you understand the GNETS students to
18 have different or more serious behavioral challenges
19 than the population served by Apex?

20 MS. ROSS: Object to form.

21 A No.

22 Q Do you understand the GNETS students to
23 have different or more serious emotional challenges
24 than the population served by Apex?

25 MS. ROSS: Object to form.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
170

1 A No.

2 Q Were any students referred by an Apex
3 program to GNETS?

4 A No.

5 Q Are you aware of any circumstances in
6 which Apex services were insufficient to support a
7 child in a school and they were referred elsewhere?

8 MS. ROSS: I'm sorry. Could you read back
9 the question. I didn't hear it.

10 (The record was read by the reporter as
11 follows: "Are you aware of any circumstances
12 in which Apex services were insufficient to
13 support a child in a school and they were
14 referred elsewhere?")

15 A To either short-term or long-term
16 residential, yes. Not to another program.

17 Q So referrals out of GNETS because of the
18 services were insufficient to support the child --

19 MS. ROSS: Object to the form.

20 Q -- on occasions when that occurred, that
21 was not to GNETS programs; is that right?

22 A No, not to my knowledge, no.

23 Q It was to either a short-term or long-term
24 mental health facility?

25 A Correct.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
171

1 Q What did you learn when you did your
2 research were the therapeutic supports that GNETS
3 provided?

4 MS. ROSS: Object to form.

5 A Occupational, vocational, therapeutic and
6 therapy sessions is an overview of what I found in
7 my research.

8 Q And did you discover whether or not those
9 were evidence-based practices?

10 A I did not.

11 Q What did you learn about the credentials
12 of the personnel working with students with mental
13 health needs at GNETS?

14 MS. ROSS: Object to form.

15 A I did not know of them.

16 Q Do you know whether or not the services
17 provided in GNETS are services that qualify under
18 the DBHDD provider manual?

19 A I do not.

20 Q Now I'm going to ask you about the period
21 2019 to 2021 with regard to relationship between
22 DBHDD and the Department of Education.

23 You understand that?

24 A Okay. Yes.

25 MS. COHEN: And let's mark as Exhibit 186,

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
172

1 thank you, GA00636018, an email string between
2 Mr. McKay and Deana Farmer with Layla
3 Fitzgerald as a cc.

4 (WHEREUPON, Plaintiff's Exhibit-186 was
5 marked for identification.)

6 BY MS. COHEN:

7 Q While we're pulling that up, can you tell
8 me, who is Ms. Farmer?

9 A Ms. Deana was the previous Dimple Desai at
10 the Center of Excellence. So she was a Senior
11 Research Associate. But she's no longer at Center
12 of Excellence.

13 Q Do you recall that Mr. McKay was asked in
14 late February or early March of 2019 to make a
15 presentation to DBHDD leadership regarding
16 collaboration between GNETS and Apex?

17 A I remember.

18 Q And what meeting was that in connection
19 with? Was that a standing meeting or was it a
20 meeting that had been called for that purpose?

21 A I know there is a standing meeting. I'm
22 not sure if that meeting was specifically called for
23 this information.

24 Q So there was a standing meeting among
25 DBHDD leadership?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
173

1 A Yes, there is a monthly meeting.

2 Q And was the occasion when Mr. Dante -- Mr.
3 McKay was asked to make a presentation about
4 collaboration between Apex and GNETS?

5 A Yes.

6 Q And was that a meeting at which the GNETS,
7 state GNETS director was expected to attend?

8 A I am not sure.

9 Q Do you know who the state GNETS director
10 was at that time?

11 A I don't know then, and I don't know now.

12 Q Do you know how frequently the DBHDD
13 leadership met with the GNETS direction?

14 A No.

15 Q Director? Excuse me.

16 A No.

17 Q Do you know whether the leadership had a
18 standing meeting with the GNETS, state GNETS
19 director?

20 A No.

21 Q Okay. Let's look at this email and we'll
22 go to the bottom of the chain first.

23 This is Exhibit 186.

24 The email at the very bottom of the page
25 that's dated Thursday, February 28, 2019, and it's

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
174

1 to -- how do you pronounce it, Deena?

2 A Deana.

3 Q -- Deana Farmer from Dante Fitzgerald with
4 a cc: -- excuse me. Dante McKay. I guess I am
5 getting a little tired.

6 With a cc: to Layla Fitzgerald, that being
7 you?

8 A Yes.

9 Q And the subject line was Apex and GNETS?

10 A Yes.

11 Q And it says: Hi, Deana, The State GNETS
12 Director has standing meetings with DBHDD Enterprise
13 Leadership. I also participate in the meetings.
14 The next meeting is scheduled for March 7, 2019. I
15 have been asked to provide an update on the status
16 of Apex and GNETS collaboration. I would like
17 assistance from the technical assistance team with
18 answering the following questions.

19 "Are any Apex programs still collaborating
20 with standalone GNETS programs? If yes, which
21 ones?"

22 "The names of Apex programs collaborating
23 with GNETS programs embedded within the main school
24 building," and "the name of the schools?"

25 And the "Names of Apex programs

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
175

1 collaborating with GNETS programs on school grounds?
2 Name of schools?"

3 Do you see -- how did you understand when
4 you researched this the difference between
5 standalone GNETS programs, GNETS programs embedded
6 within the main school building, and GNETS programs
7 located on school grounds?

8 A My understanding of that information is
9 there are several different types of GNETS programs.
10 Some of them have their own building. Some of them
11 have a classroom within the main building, and some
12 of them work out of like trailer portals on the
13 school grounds of the main school campus, or home
14 school campus.

15 Q What do you mean when you say home
16 schools?

17 A So if I'm Georgia elementary -- let's not
18 say elementary.

19 Middle school, and my building sits on a
20 property, there may be a trailer on the same
21 property as the Georgia elementary school that is a
22 GNETS program.

23 And then other instances the building is
24 nowhere near an actual, quote-unquote, regular
25 school.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIAJune 24, 2022
176

1 And then in some terms there is a GNETS
2 room within the actual Georgia elementary school, if
3 we are just making an assumption of the name of the
4 school.

5 Q And did Mr. McKay ask you to ask the same
6 questions that he was asking of Ms. Farmer directly
7 to the CSBs?

8 A He asked Ms. Farmer to ask those
9 questions, as that was during the time we were still
10 doing one-on-one TA with the providers. So there
11 was a team of TA -- there was a team of TA at COE
12 who would in turn inquire this information with
13 their cohort of mental health providers.

14 Q And by TA, you were referring to technical
15 assistance?

16 A Yes.

17 Q Was the information Mr. McKay sought
18 readily available to you on February 28th, 2019?

19 A Was it readily available to me?

20 Q Yeah.

21 A The information that they sent back?

22 Q No. Did you have this information in your
23 file as to Apex -- which Apex programs were
24 collaborating with GNETS programs, whether
25 stand-alone, embedded, or on school grounds?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
177

1 A No. That was the first time that question
2 had been asked since my employment.

3 Q So you had not previously asked the Apex
4 programs to provide you with that information?

5 A No.

6 Q And who was your main point of contact at
7 GNETS in late February 2019?

8 A I didn't have a primary contact.

9 Q So you reached out to the CSBs through Ms.
10 Farmer?

11 A Yes.

12 Q And did you reach out to some of them
13 directly?

14 A I do not recall.

15 Q Did you follow up with some of them
16 directly?

17 A I'm pretty sure I had follow-up, depending
18 on the answers they sent back out of that survey
19 questions, to gain clarification of who they were
20 serving.

21 Q Did you ultimately help Mr. McKay to make
22 a presentation for the leadership meeting?

23 A I did not.

24 Q Did he ultimately go forward with the
25 leadership meeting?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
178

1 A My assumption is yes. I don't recall.
2 That was four -- three years ago.

3 Q All right.

4 MS. COHEN: Let's mark as Exhibit 187
5 GA03176876, an email from you to Marnie
6 Braswell and a reply from Ms. Braswell, dated
7 March 5th, 2019.

8 (WHEREUPON, Plaintiff's Exhibit-187 was
9 marked for identification.)

10 BY MS. COHEN:

11 Q Let's look at the bottom email first, and
12 perhaps you can tell me who Ms. Braswell is.

13 A She is the program coordinator for our
14 Community Service Board of Middle Georgia.

15 Q And do you work -- were you working with
16 her frequently in this time period?

17 A Oh, yes. Still do.

18 Q Now, the bottom email is addressed to a
19 number of people. Are those all individuals at CSB?

20 A Those are my primary contacts at the
21 mental health provider.

22 Q At the mental health providers.
23 And this email is signed by you?

24 A It is.

25 Q And it has the questions that Dante was

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
179

1 asking?

2 A It does.

3 Q So does that refresh your recollection as
4 to whether you reached out directly to mental health
5 providers with these questions?

6 A It does.

7 Q And did Ms. Farmer also, or did you do it
8 exclusively?

9 A I'm assuming we both sent information as
10 we probably didn't get the response we needed from
11 one of us sending it. And it looks like Deana
12 didn't get the response, because mine was sent out
13 after Deana.

14 Q And Ms. Braswell provided to you the
15 response of Middle Georgia?

16 A Yes.

17 Q And she said that Apex programs were not
18 collaborating with stand-alone GNETS programs?

19 A Correct.

20 Q And a GNETS was embedded within one of the
21 school systems? Do you see that?

22 A I do.

23 Q And that mainstream students also attend
24 GNETS classrooms?

25 A Yes.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
180

1 Q And she said that they do not have a
2 therapist that is housed within the GNETS program?

3 A Yes.

4 Q Are you familiar with the Dodge County
5 School System?

6 A I am not.

7 Q And was this a school system where the
8 Apex program was collaborating with the entire
9 school?

10 A Yes.

11 Q For the schools that were part of the Apex
12 program?

13 A Yes.

14 Q And then Ms. Braswell says: "We have
15 always tried to abide by what Dante advised
16 concerning the GNETS programs."

17 A Yes.

18 Q What did Mr. McKay advise Ms. Braswell
19 concerning the GNETS program?

20 MS. ROSS: Object to form.

21 A As he's advised all mental health
22 providers, is that we don't serve GNETS programs.
23 We serve children that attend regular schools.

24 Q Well, one thing I'm not quite
25 understanding is the difference between

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
181

1 collaboration and service. Your question related to
2 Apex programs collaborating with GNETS programs?

3 A Okay. Which part of it don't you
4 understand?

5 Q What did -- did Mr. McKay advise Ms.
6 Braswell that Apex programs could not collaborate
7 with GNETS programs?

8 A I wouldn't say collaborate with GNETS
9 programs. I would say the Apex program could not
10 service -- provide mental health services to the
11 GNETS program.

12 Q Could Apex programs provide mental health
13 services to GNETS students?

14 A The only way that an Apex program would
15 serve a GNET student is if the Apex program has
16 followed that -- if the student became an Apex
17 student prior to GNETS, being referred to the GNETS
18 program.

19 So the Apex therapist would follow that
20 child into the GNETS program to not discontinue
21 services for that individual child, but they didn't
22 service the entire GNETS program, if I'm clear.

23 Q So did Apex have any partnerships with
24 GNETS programs where the programs collected and
25 charted information relating to absences or office

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
182

1 referrals?

2 A No.

3 Q No?

4 A No.

5 Q There were none?

6 A Not to my knowledge.

7 Q Did -- if an Apex classroom was embedded
8 within a school -- excuse me.

9 MS. COHEN: Strike that. Let's start a
10 new question.

11 BY MS. COHEN:

12 Q If a GNETS program was embedded in a
13 classroom within a school that had -- was in the
14 Apex program, did Apex provide -- did the Apex
15 program provider provide services to GNETS students?

16 A No.

17 Q Where did the GNETS students get their
18 mental health services?

19 MS. ROSS: Object to form.

20 A I am not sure.

21 Q Did they receive mental health services?

22 A I am not sure.

23 Q When you received this note from Ms.
24 Braswell, where she said "We've always tried to
25 abide by what Dante advised concerning the GNETS

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
183

1 program," did you ask her what Dante advised?

2 A No.

3 Q Did you ask Mr. McKay?

4 A I knew prior to this email what he
5 advised.

6 Q That that was the line on GNETS programs?

7 A Yes.

8 Q Did you show this comment to Mr. McKay?

9 A If you can scroll, I think he's cc'ed, but
10 I'm not sure.

11 I didn't necessarily show this email but I
12 compiled all information received from providers and
13 provided him a report of what all providers said
14 about servicing GNETS programs.

15 Q Did you have a conversation with Dante
16 about why he was asking you about collaboration when
17 you had told Apex providers that they did not serve
18 GNETS students?

19 A I don't understand your question.

20 Q What type of collaboration was --

21 MS. COHEN: New question.

22 BY MS. COHEN:

23 Q As you described the Apex programs, they
24 had been told by Mr. McKay that Apex did not serve
25 GNETS programs; is that right?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
184

1 A Correct, prior to me being employed.

2 Q And during your employment?

3 A And during my employment, yes.

4 Q Up to late February or early March of
5 2019; is that right?

6 A Till this day, yes.

7 Q So why were you asking the school -- the
8 providers whether they collaborated with GNETS
9 schools?

10 A First and foremost, because Dante asked.
11 My second assumption was that we were
12 trying to figure out if we were providing services
13 to schools that we shouldn't have been providing
14 services to, according to how the Georgia Apex
15 program was set up and the GNETS program is supposed
16 to be providing for their students.

17 Q And was it your expectation that you would
18 not hear about any collaboration in response to this
19 question?

20 A Yes.

21 MS. COHEN: Let's mark as exhibit -- is it
22 Exhibit 188? Thank you.

23 Georgia 03176913.

24 (WHEREUPON, Plaintiff's Exhibit-188 was
25 marked for identification.)

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
185

1 MS. ROSS: Can we please take a restroom
2 break?

3 MS. COHEN: Sure.

4 MS. ROSS: Thank you.

5 THE VIDEOGRAPHER: Off record at 2:58.

6 (A recess was taken.)

7 THE VIDEOGRAPHER: Back on the record at
8 3:06.

9 MS. COHEN: Let's put up Exhibit 189,
10 which is --

11 MR. HOLKINS: GA03176913.

12 (Discussion ensued off the record.)

13 MS. COHEN: 188. I'm sorry.

14 BY MS. COHEN:

15 Q Is this an email exchange that you had
16 with one of the CSBs in March of 2019?

17 A Yes.

18 Q And you had sent a note to Cathy Ganther
19 Cooper with Dante's inquiry?

20 A Yes.

21 Q And who is Ms. Ganther Cooper?

22 A The COO of Avita Community Partners.
23 A-V-I-T-A Community Partners.

24 Q And did she respond to you?

25 A Yes.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
186

1 Q What did she say?

2 A The only schools who are involved with
3 GNETS that we support through Apex are the Dawson
4 County -- uh-oh, it moved on me -- the Dawson County
5 schools, GNETS is embedded in the school building.

6 Q Did you receive similar responses from
7 every other provider?

8 A Not all.

9 Q No?

10 A No.

11 Q You didn't hear back from all your
12 providers?

13 A I did not.

14 Q But at some point from all the providers
15 that you heard back from, you did not become aware
16 of any collaboration between Apex and GNETS; is that
17 right?

18 A Correct.

19 Q And -- but at a certain point Ms. Farmer
20 decided to dig deeper into this matter?

21 A I think Ms. Farmer's email was before
22 mine. I'm not sure of the time frame of when we did
23 a deeper dive, and I don't know that it was
24 different from the email questions that were sent to
25 me.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
187

1 Q What -- did Ms. Farmer tell you she had
2 done a deeper dive into the question asked by Mr.
3 McKay?

4 A I don't recall.

5 (WHEREUPON, Plaintiff's Exhibit-189 was
6 marked for identification.)

7 BY MS. COHEN:

8 Q Let me show you Exhibit 190 -- 189, excuse
9 me, which is GA 00636138, which is an email from
10 Deana Farmer to Dante McKay, cc: to Layla
11 Fitzgerald, dated March 7, 2019.

12 A That's not on my screen.

13 Q It isn't?

14 A I have an email from Michelle Nunez, not
15 from -- I mean...

16 Q Who is Michelle Ruiz?

17 A I have to go back and look at it. I don't
18 know everybody names.

19 Q But she was at one of the --

20 A One of providers, yes.

21 Q And she was responding to your inquiry?

22 A It looks like, yes.

23 I used to know all of them.

24 Q Is this an email from Deana Farmer to you
25 and Dante relating to this inquiry?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
188

1 A Yes.

2 Q And the subject line on the email is "10
3 total services year-to-date for GNETS schools, all
4 CSI."

5 A Yes.

6 Q And what does that refer to?

7 A That Georgia Pines is a mental health
8 provider that provided seven Community Support -
9 Individual services to the pathway center in
10 Thomasville.

11 Q And what are CSI services?

12 A Support services to their individual
13 therapy. It could be about life skills, social
14 skills. It's not an actual clinical therapeutic
15 session.

16 Q Let me see if I understand that.

17 Let's go down to the bottom of the email
18 chain, and it's an email from Ms. Farmer, and you
19 had written to Ms. Farmer saying that there were no
20 collaborations with Apex, although some services
21 were provided in general education schools that had
22 embedded GNETS classrooms, right?

23 A I presume.

24 Q And Ms. Farmer writes: "After reading
25 through all the provider responses Layla sent this

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
189

1 morning, I decided to dive a little deeper into
2 services provided to GNETS schools listed by Apex
3 providers."

4 What did Ms. Farmer look through?

5 A I am not sure.

6 Q Did you ask her at the time?

7 A I did not.

8 Q Were you curious as to how she got the
9 information?

10 A I assume through questioning individual
11 providers.

12 Q And she found that there were two
13 instances in which CSBs had provided -- excuse me.

14 She found two CSBs that had provided
15 services to embedded classrooms in -- embedded GNETS
16 classrooms in schools served by Apex?

17 A CSI services would not be given to a
18 classroom. It would be given to an individual.

19 Q An individual student?

20 A Correct.

21 Q What is a CSI service?

22 A Community Support Individual Service.

23 Q Do you know why an Apex provider was
24 providing Community Support Services to individuals
25 in a GNETS classroom?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIAJune 24, 2022
190

1 A Yes. As I mentioned earlier, our Apex
2 providers follow the students. So I'm assuming they
3 were continuing service with that student, who was
4 then referred or went now at the two -- I'm assuming
5 those two are actual GNETS programs.

6 Q And she concludes: "That is all
7 school-based services showing for Apex for Year 4"?

8 A Yes.

9 Q So that was out of all the Apex programs,
10 she was only able to find these 10 services to GNETS
11 students?

12 A Correct.

13 Q Did you believe that was accurate?

14 A I did.

15 Q So you don't think she had data that was
16 available to her that wasn't available to you, you
17 think she just reached out directly to providers and
18 had conversations?

19 A Correct. To gain better clarification of
20 the responses they sent to Dante and I before.

21 Q Did she tell you that, or is that your
22 sophisticated assumption?

23 A My sophisticated assumption.

24 Q Did you and Dante discuss her conclusion
25 after you received her email?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
191

1 A Only to better explain to me how our
2 providers could have serviced these schools.

3 Q So your answer is yes, that you and Dante
4 did discuss her email after you both received it?

5 A Yes.

6 Q And what did he say to you?

7 A The sophisticated assumption that I just
8 gave you is that the provider followed the child,
9 not the program.

10 Q What did you say to him?

11 A Understood. I can see how that happened
12 -- could happen.

13 Q And since March 7th, 2019, when you
14 researched this issue at Mr. McKay's request, did
15 you learn of Apex students in any Apex programs in
16 any schools that have collaborated with GNETS
17 programs?

18 A No.

19 Q Is it -- is the Apex program incompatible
20 with the GNETS program?

21 A No.

22 Q Is it compatible with the GNETS program?

23 A No. The GNETS program, from my research,
24 should be providing educational, therapeutic,
25 physical health, like all services. We just provide

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
192

1 mental health services.

2 Q So as far as you know, GNETS is not
3 providing mental health services?

4 A I don't know.

5 Q And do you know whether Dante made a
6 presentation at the leadership meeting?

7 A I do not know if the actual presentation
8 was made.

9 Q Was there a written document, whether a
10 PowerPoint or another document, prepared in
11 connection with the presentation by Dante to the
12 leadership meeting with the GNETS director on this
13 subject?

14 A I do not recall if one was made.

15 Q Do you recall -- did he prepare a draft of
16 any kind of presentation or summary of this topic?

17 A I never saw a draft of the presentation,
18 no.

19 Q So the sum total of what you found on the
20 subject of collaboration is that although Apex
21 providers may have provided services to students in
22 GNETS classrooms, there was no collaboration between
23 the Apex program and GNETS -- Apex provider and the
24 GNETS program?

25 A They were not provided, no. Correct, that

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
193

1 is my assumption -- my understanding of our
2 providers.

3 Q There were just 10 instances in Year 4 in
4 which Apex provided community services individual to
5 GNETS students?

6 MS. ROSS: Object to form.

7 A To the student that was referred to the
8 GNETS program. Not a GNETS student.

9 Q Excuse me. To a student referred to the
10 GNETS program?

11 A Yes.

12 Q Now, part of the Apex suite of services is
13 prevention and education?

14 A Yes.

15 Q Was Apex ever asked -- or was the
16 Department of Behavioral Health ever asked to
17 provide education and prevention services in the
18 GNETS classrooms?

19 A No.

20 Q Is your answer the same with regard to the
21 GNETS program?

22 A It is the same answer.

23 Q Was there ever any discussion of whether
24 CSB Apex providers would provide trainings in the
25 GNETS classrooms?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
194

1 A No.

2 Q Did you hear anything else that Dante had
3 said to any CSB about GNETS, other than that Apex
4 does not work with GNETS?

5 A No.

6 Q When you say Apex does not -- the Apex
7 program does not work with GNETS, did you know
8 whether individual providers who provided services
9 through Apex also collaborated with GNETS programs?

10 MS. ROSS: Object to form.

11 A No, I do not know that information.

12 Q Was there a policy or practice at DBHDD
13 with respect to providers that collaborated with
14 GNETS as to whether they could participate in the
15 Apex program?

16 A I have never seen a policy or procedure
17 that outlined that information, no.

18 Q Did you ever hear of that being the policy
19 or practice?

20 A No.

21 Q Did you ever visit a GNETS facility since
22 that time?

23 MS. ROSS: Object to form.

24 A No, I have never visited a GNETS facility.

25 Q And you haven't visited a GNETS facility

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
195

1 since you went to work for the Department of
2 Education?

3 MS. ROSS: Object to form.

4 A No.

5 Q Do you know Clara Keith?

6 A No. Clara Keif?

7 Q Keith. K-E-I-T-H?

8 A No. I don't know Keith or Keif.

9 Q That settles it.

10 Did you know that there was a DOE employee
11 who was stationed at DBHDD --

12 A No.

13 Q -- as a liaison?

14 A No. Other than me?

15 Q Uh-hum. No, the other way. A Department
16 of Education employee stationed at DBHDD?

17 A No.

18 Q So there was long a policy that Apex
19 couldn't be provided to GNETS stand-alone
20 facilities; is that right?

21 MS. ROSS: Object to form.

22 A There's no policy written.

23 Q Well, are you familiar with frequently
24 asked questions that are provided by DBHDD to Apex
25 providers?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
196

1 A Yes, but that's not a -- it's not written
2 in policy form. It was just questions that we
3 developed to share out with providers about the
4 program itself. But it's not a policy.

5 Q Is it an answer to a frequently asked
6 question?

7 A Yes.

8 Q Is it distributed in the form of FAQs to
9 Apex providers?

10 A Yes.

11 Q And that is to guide them with regard to
12 the expectations of DBHDD with regard to Apex
13 providers?

14 A Yes.

15 Q And it states that Apex providers may not
16 provide services to GNETS stand-alone facilities?

17 MS. ROSS: Object to form.

18 A Yes.

19 Q Let me show you the exact language.

20 MS. COHEN: Are we up to 190 now?

21 Mark as Exhibit 190 GA00658846.

22 (WHEREUPON, Plaintiff's Exhibit-190 was
23 marked for identification.)

24 BY MS. COHEN:

25 Q Is this a copy of the FAQs?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
197

1 A Yes.

2 Q Let's scroll down.

3 A This is not the final draft.

4 Q You're right. I don't have the final
5 draft handy, and I do want to finish up in time to
6 let Patrick make his plane, so let's work off this
7 draft.

8 A I believe that question never got changed,
9 though.

10 Q I believe you're right.
11 So if we're looking at Exhibit 190, the
12 last FAQ on the page relates to GNETS schools --
13 excuse me. Not the last.

14 A I believe it's on the page before that, if
15 I'm familiar with it.

16 Q What language are you pointing to in
17 GA00658847 -- 6. Excuse me.

18 What language are you pointing to?

19 A Me?

20 Q Uh-hum.

21 A Oh. I was trying to get -- you tried to
22 get to where we were talking about GNETS schools?

23 Q Yes.

24 A So in the paragraph where it says what
25 types of schools can Apex services be implemented

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
198

1 in.

2 Q And what is the answer?

3 A Georgia public schools K through 12
4 excluding GNETS programs. Charter schools and
5 private.

6 Q And the FAQ, the answer part of it, in
7 response to what types of schools can Apex be --
8 services be implemented, states: "Apex services
9 cannot be provided in private charter schools, GNETS
10 standalone facilities, private schools, or home
11 schooled/cyber public school students."

12 A Correct.

13 Q That, as far as you know, has been the
14 rule as long as you've been associated with the
15 program?

16 A Yes.

17 Q And similar information appears at this
18 time on the DBHDD website?

19 A Yes.

20 Q And what is the reason that Apex services
21 could not be provided to standalone GNETS centers?

22 MS. ROSS: Object to form.

23 A As stated earlier, when I became employed,
24 I was instructed that GNETS program -- or informed
25 that GNETS program comes with its own set of funding

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
199

1 to provide all services to students that came
2 through its door, whether it was educational,
3 physical health or mental health.

4 Q And that was the only reason you were ever
5 given as to why Apex providers could not collaborate
6 with GNETS schools?

7 A Apex program could not collaborate.

8 Q Thank you.

9 A Uh-huh.

10 Q Did Apex programs --

11 MS. COHEN: Excuse me. Strike that.

12 BY MS. COHEN:

13 Q If GNETS standalone centers wanted to
14 collaborate with the Apex program, they would have
15 had to provide the deliverables that were required
16 by the Apex program?

17 MS. ROSS: Object to form.

18 A No.

19 Q They wouldn't have been allowed to
20 collaborate?

21 A Correct. The Apex program, not the
22 provider.

23 Q Now, did there come a time when a joint
24 funded position was discussed between the DBHDD and
25 the Department of Education?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
200

1 A Yes.

2 Q And was that proposed by the Department of
3 Education in the first instance, or by DBHDD?

4 A By the Department of Education.

5 Q And did the Department of Education
6 request -- was that made orally or in writing?

7 A Orally between Garry McGiboney,
8 M-C-G-I-B-O-N-E-Y, and Dante McKay.

9 Q And did Mr. McKay relay that conversation
10 to you?

11 A Yes.

12 Q And what did he say that Mr. McGiboney had
13 said to him and that he had responded?

14 A That he thought there needed to be a
15 liaison role between the two state agencies to help
16 better coordinate mental health services.

17 Q Did Dr. McGiboney say -- is it Mr. -- I
18 think it's doctor.

19 A I think it's Mr.

20 Q Mr.?

21 A I think it's Mr.

22 Q Did Mr. McGiboney relate that the
23 Department of Education would like greater
24 visibility into the Apex program?

25 A I am not fully aware of what the full

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
201

1 conversation was about.

2 Q Did you understand that that was a piece
3 of it?

4 A Yes.

5 Q And did you also understand that a piece
6 of it was that Mr. McGiboney -- that the Department
7 told Dante that the Department of Education would
8 like greater visibility into the mental health
9 services provided by DBHDD?

10 A I do not understand your question.

11 Q Did he tell you they wanted to -- they
12 thought a liaison was a good idea because education
13 wanted to know more about the mental health services
14 that OCYF was providing?

15 A Yes.

16 Q Okay. And did DBH -- excuse me.
17 Did the Department of Education --
18 MS. COHEN: Strike that.

19 BY MS. COHEN:

20 Q Did the next approach come from Ashley
21 Harris?

22 A So timeline. Initial conversation with
23 Mr. McGiboney and McKay happened maybe a year and a
24 half prior to the role being even spoken about, and
25 in between that time Garry McGiboney left the

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
202

1 Department of Education, and that's when we started
2 having more conversations who was now -- well, she
3 was hired or moved from one office to another to be
4 the director of Whole Child Support. So the
5 conversation got picked up again.

6 Q Did Mr. McGiboney and Mr. McKay have one
7 conversation regarding creating liaison or more than
8 one?

9 A It was more than one.

10 Q And how many conversations was it?

11 A I am not sure.

12 Q Was it over a period of time in 2018?

13 A I am not sure of the actual year.

14 Q But, in any case, it was prior to Mr.
15 McGiboney's departure from the Department of
16 Education?

17 A Yes.

18 Q And then it was picked up by Ashley Harris
19 in 2020?

20 A Yes.

21 Q And did she and Mr. McKay have
22 conversation about this?

23 A Yes.

24 Q By telephone or face-to-face?

25 A It would have been by telephone. We were

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
203

1 in the pandemic by then.

2 Q Did you participate in those
3 conversations?

4 A Not the ones privy to him and Ashley, no.

5 Q Did you participate in the conversations
6 between Mr. McKay and Mr. McGiboney?

7 A I did not. Not as it relates to the
8 liaison position.

9 Q Let me show you an email chain.

10 MS. COHEN: We'll mark this -- what number
11 are we up to?

12 THE COURT REPORTER: 191.

13 MS. COHEN: 191, an email chain with the
14 stamp GA03219489.

15 (WHEREUPON, Plaintiff's Exhibit-191 was
16 marked for identification.)

17 BY MS. COHEN:

18 Q This is a string of emails between Dante
19 and Ms. Harris, and Dante and you.

20 You've seen these emails before?

21 A You're moving quite fast, but, yes, I'm
22 sure I have.

23 Q You're laughing.

24 Let's see what that relates to.

25 I'm looking at the bottom email from

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIAJune 24, 2022
204

1 Ashley Harris.

2 "Good afternoon, Dante. I hope this email
3 finds you safe and well. I wanted to reach out to
4 you with a little more context to our conversation
5 last week regarding a joint funded position between
6 the Georgia Department of Education and DBHDD."

7 And she includes a summary of the
8 reporting structure and general responsibilities,
9 and the DOE staff will work together collaboratively
10 to support this coordination.

11 Do you recall this email at the time it
12 was sent?

13 A I recall Dante forwarding this information
14 to give me context of the timeline of the position
15 that was being created.

16 Q Did you understand when this -- Dante
17 forwarded this email to you that you were being
18 talked about for that position?

19 A Yes.

20 Q Was that a request from the Department of
21 Education?

22 A Yes.

23 Q That you become the liaison?

24 A Correct.

25 Q And did you discuss with Mr. McKay whether

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
205

1 you were willing to assume that position?

2 A Yes.

3 Q And what did you tell him?

4 A Yes.

5 Q What did you tell him before you told him
6 yes?

7 A What did I tell him before? Here goes
8 another shithole you're sending me in. Sorry. I'm
9 sorry.

10 I swore that -- I gave my hand, my right
11 hand when coming in here that I would tell the
12 truth.

13 Q And why did you use that term to refer to
14 the Department of Education at that time? This was
15 in spring of 2020.

16 A Dante has a bunch of special projects, and
17 I seem to be the one he comes to for special
18 projects. So I was being very funny of another
19 special project that he was sending me down, not
20 necessarily speaking towards the Department of
21 Education themselves. I knew nothing of them.

22 Q Did you tell Mr. McKay that you had
23 reservations about going to the Department of
24 Education --

25 A Only --

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
206

1 Q -- in this position?

2 A Only that I was unaware of the Department
3 of Education's work environment or expectations of
4 me as an employee.

5 Q Did Mr. McKay, as a result, inquire who
6 you would report to at the Department of Education?

7 A He did.

8 Q And did he also put limits on your
9 participation?

10 A Did he put limits on my participation at
11 the Department of Education?

12 Q Yes.

13 A They developed a set of responsibilities
14 that I would be over at the Department of Education,
15 and the only restrictions I remember us talking
16 about was around special education, and that doesn't
17 fall within the Department of Whole Child Support.
18 So I was -- I asked him would I be working with
19 special education students, and he stated no, that
20 it would just be for the Office of Whole Child
21 Supports.

22 Q Did you ask him whether you would be
23 working with GNETS?

24 A I did not specify GNETS, no.

25 Q You said that it was communicated that you

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
207

1 would be walled off from GNETS; is that right?

2 A I did, but I have a question about that
3 question --

4 Q I'm sure you do.

5 A -- that you asked me.

6 Q You had several meetings with Ms. Ross
7 since that answer.

8 MS. ROSS: That's not fair. We didn't
9 talk about that. No.

10 A You know, it was that question and another
11 question you asked me that I just had -- when I
12 answered it, I didn't know if I gave the right -- or
13 not necessarily the right answer but fully
14 explained.

15 Q I'm going to ask some questions.

16 A Okay.

17 MS. ROSS: I'll get on the record that I
18 did not talk to the witness about her
19 testimony. I didn't do that and I wouldn't do
20 it.

21 A We talked about -- you don't want to know.

22 Q Since you gave the testimony, let me ask
23 you this: You have not worked on any GNETS matters
24 at the Department of Education in your role as
25 mental health liaison?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
208

1 A No.

2 Q And you have communicated to the
3 Department of Education that you are not going to
4 work on any GNETS matters?

5 A I have.

6 Q And you've communicated to them that you
7 are not going to collaborate with any GNETS program,
8 correct?

9 A Correct.

10 Q And that was you --

11 A That was me.

12 Q -- making the communication?

13 A Yes.

14 Q Did Mr. McKay similarly make it?

15 A Not to my -- not to my knowledge.

16 Q Have you discussed it with Ashley Harris?

17 A About not servicing the GNETS programs?

18 Q Yes.

19 A Yes.

20 Q What did you say to Ms. Harris?

21 A That the Apex program could not serve the
22 GNETS program because it came with its own set of
23 funding.

24 Q Is your work for the Department of
25 Education as liaison confined to the Apex program?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
209

1 A No.

2 Q Did you tell her that you were available
3 to collaborate with the GNETS program outside -- for
4 mental health needs outside of the Apex program?

5 A No.

6 Q Did you tell her you were not willing to
7 collaborate with the GNETS programs for any purpose?

8 A I did.

9 Q And what was the reason that you told her
10 that?

11 A Same reason I've given before. That's
12 what I was told when I came to the Department, that
13 the Georgia Apex Program does not service the GNETS
14 program.

15 Q My question does not just relate to the
16 Georgia Apex Program. My question relates to the
17 full work that you were doing at the Department of
18 Education, and my understanding is that that work
19 was broader than just the Apex program, based on
20 your testimony. Have I misunderstood?

21 A No, you did not misunderstand, but it's
22 not tailored to the GNETS program. It's tailored to
23 any student who is in need of mental health
24 services.

25 Q What is not tailored to the GNETS program?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
210

1 A My liaison role. Like I do not work --
2 the GNETS program does not sit within that office
3 that I serve on, as well as there is no
4 collaboration that I know of between that office and
5 the GNETS programs.

6 Q Where do the students in the GNETS program
7 -- do they have mental health needs?

8 MS. ROSS: Object to form.

9 A I don't know.

10 Q Where do they receive their services?

11 A I --

12 MS. ROSS: Object to form.

13 Q Their mental health services?

14 MS. ROSS: Object to form.

15 A I don't know.

16 Q Are you aware of any restrictions in
17 Georgia's Medicaid rules in reimbursing behavioral
18 health services provided through Apex?

19 A Please explain your question.

20 Q I will in a second.

21 A Okay.

22 Q Is there any restriction in the Georgia
23 Medicaid program on reimbursing behavioral health
24 services provided to GNETS through Apex?

25 A There are no services provided to GNETS

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
211

1 through Apex, and I am not aware of any Medicaid
2 billable anything that is provided to GNETS.

3 Q Is there any plan to expand the
4 cooperation between DBHDD and the Department of
5 Education?

6 A Yes.

7 Q What are those plans?

8 A To develop the referral platform as well
9 as a better way of communicating needs of children,
10 young adults and families from the Department of
11 Education.

12 Q Now, you were laughing at the top email?

13 A Yes.

14 Q Let's look at that.

15 So there's an email before your email,
16 which is the top email, which is an email from Dante
17 McKay to Ashley Harris.

18 Do you see that?

19 A Yes.

20 Q And he makes certain comments taking apart
21 what Ms. Harris had said to him?

22 A Yes.

23 Q And he -- she had said that while she
24 would be the primary contact, a team of Georgia DOE
25 staff will work together collaboratively to support

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
212

1 this role by coordination of the chief of staff.

2 What did that refer to, as you understood
3 it?

4 A That I would report to Ashley Harris but I
5 would work with other team members at the Department
6 of Education to better do the mental health liaison
7 work. That she would not be the sole person I would
8 be working with.

9 Q Were you happy with that arrangement?

10 A Sure.

11 Q Dante says: I'm sorry, I don't understand
12 this statement. Per discussion, please forward the
13 GO -- Georgia education org chart. It's important
14 for us to know and show the liaison's placement and
15 the reporting lines.

16 A Yes.

17 Q And then he has marked up the work
18 description --

19 A Yes.

20 Q -- that Ms. Harris had provided?

21 A Yes.

22 Q The last paragraph of this email refers to
23 you, although you hadn't come up -- been mentioned
24 by name previously in this exchange, but it's your
25 understanding that they were talking about obtaining

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
213

1 your expertise in particular?

2 A Yes.

3 Q And what mental health services was the
4 Department of Education providing at that time?

5 MS. ROSS: Object to the form.

6 A The Department of Education does not
7 provide services.

8 Q The Department of Education has licensed
9 mental health professionals in the schools; is that
10 correct?

11 MS. ROSS: Object to form.

12 A Yes.

13 Q And is it your testimony that those
14 individuals do not provide mental health services?

15 MS. ROSS: Object to the form.

16 A I do not know.

17 Q They do not provide school-based mental
18 health services?

19 MS. ROSS: Object to form.

20 Q As you understand the term to be used in
21 the Apex program?

22 A No, they don't.

23 Q What is the difference?

24 A Between?

25 Q Between school-based mental health

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022

214

1 services as provided according to the Apex program
2 and what the mental health professionals provide in
3 the Department of Education public schools?

4 A I do not know that the DOE, Department of
5 Education, employs individuals that provide mental
6 health services. They have individuals on staff who
7 are licensed, such as social workers and school
8 counselors. However, they do not provide mental
9 health services to children within the schools.

10 Q Let's look at the top email.

11 A Okay.

12 Q Actually, we won't go all the way to the
13 top.

14 A Please don't.

15 Q We'll go -- we won't go there right this
16 second.

17 And then Mr. McKay flips this
18 correspondence with Ashley to you in the email part
19 of this chain dated 5/4/20, 11:12 p.m.?

20 A Yes.

21 Q It looks like he waited five minutes after
22 he had written to Ashley, and then he sent it on to
23 you?

24 A Yes.

25 Q And you understood when you got it that he

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
215

1 was close to arranging for this jointly funded
2 position and that he intended for you to take it?

3 A Yes.

4 Q And are you a music fan?

5 A I am. Of all genres.

6 Q Is Mr. McKay a music fan?

7 A He is.

8 Q Are you both fans of DJ Screw?

9 A We are both aware and fans of DJ Screw, a
10 known artist from Texas, yes.

11 Q Mr. Screw is an artist who takes music and
12 stretches it out?

13 A Yes.

14 Q Very slow?

15 A Yes.

16 Q And then he chops it up, almost like an
17 attack?

18 A Yes.

19 Q And you say in your email, "thanks."

20 Was that sarcastic?

21 A Yes.

22 Q And then you say, "lol," referring to
23 laughing out loud?

24 A Yes.

25 Q And you're referring to your situation,

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
216

1 chopped and screwed DJ Screw style?

2 A Yes.

3 Q And that was a reference to your being
4 stretched out and chopped up and attacked?

5 A No.

6 Q Well, it was a reference to your having to
7 undergo a difficult assignment?

8 A Nope.

9 Q What was it a reference to?

10 A The way he edited the responsibilities
11 that Ashley sent over; that he chopped and screwed
12 up what she wanted me to oversee due to the -- my
13 capacity at DBHDD.

14 Q And when you say "DJ Screw style," what
15 are you referring to?

16 A Just making sure he knew what I meant by
17 chopped and screwed. Just putting a reference is
18 that's who -- the type of --

19 Q And in what way was it like the DJ Screw
20 style?

21 A It was just -- it wasn't necessarily like
22 his specific style. I just was making a reference
23 to the chopped and screwed language per se. But it
24 wasn't any negative connotation or -- there wasn't
25 any negative connotation to what he did below as...

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
217

1 Q You were looking forward --

2 A Yes.

3 Q -- to assuming the liaison position?

4 A Yes. Very much so.

5 Q Did you look for work outside of DBHDD in
6 the six months following these conversations?

7 A No.

8 Q Because the first exhibit that we referred
9 to was a copy of your resume?

10 A Yes.

11 Q Did you prepare that for the purpose of
12 looking for work outside of DBHDD?

13 A No. My brother asked for my resume and I
14 sent it to him.

15 Q When did you become liaison, November of
16 2020?

17 A Yes. To my knowledge, that's when it
18 became official. I have to look back at my
19 paperwork of the actual date, but it took a while
20 after this email exchange to get through all of the
21 legal ramifications of making a liaison position
22 between the two state agencies.

23 Q And what percent of your time do you spend
24 on Department of Education matters now?

25 A I don't know actual percent.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
218

1 Q What's an approximation? How many hours a
2 week do you work? 50 or 60?

3 A Do I work? I don't stop working. My
4 phone is always on. I'm always checking and
5 responding to emails.

6 I say I work a 70-hour week, I would say,
7 and out of that 70 hours I probably spend about 30
8 of them with DOE, I would say.

9 Recently, that has changed because there
10 has been some shifts in structure at DOE. So it
11 decreased just a little bit, until they hire a new
12 person and gather their team again, but it has not
13 stopped, and I still provide liaison-type activities
14 for the Department of Education currently.

15 Q And the liaison activities are principally
16 confined to trainings and building a referral
17 platform?

18 A No. It relates to coordination of
19 services programs and trainings with students,
20 staff, as well as parents.

21 Q So it's those two functions, coordinating
22 referral services and trainings?

23 A Yes.

24 Q Have any GNETS personnel attended your
25 trainings?

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
219

1 A Not to my knowledge.

2 Q Do you attend the trainings?

3 A The majority of them I do.

4 MS. COHEN: All right. Let's take a short
5 break.

6 THE VIDEOGRAPHER: Off record at 3:55.

7 (A recess was taken.)

8 THE VIDEOGRAPHER: Back on the record at
9 4:09.

10 BY MS. COHEN:

11 Q Ms. Fitzgerald, are you involved in any
12 efforts currently to expand school-based mental
13 health services in Georgia other than through Apex?

14 A Yes.

15 Q What are they?

16 A Through the IDT school-based mental health
17 work group, and it's to expand the services that we
18 provide through Apex to more schools across the
19 State.

20 Q And what is the mechanism that you would
21 do that through?

22 It would not be an Apex program? How
23 would it work?

24 A That hasn't been determined. It's just a
25 work group talking about how to expand.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
220

1 Q And who are the members of the work group?

2 A They're several members that come from
3 different agencies. I can't name them right off of
4 my head right now.

5 Q Is there anyone from the Department of
6 Education?

7 A Yes.

8 Q Who is it?

9 A It was Cheryl Benefield. We're waiting to
10 fill -- actually, now it's Lindsey Oliver.

11 Q Lindsey?

12 A Oliver. And she -- she is the social work
13 specialist for the Office of Whole Child Supports at
14 the Georgia Department of Education.

15 Q And are there any CSBs participating in
16 that discussion?

17 A Not to my knowledge. Again, it's a group
18 of us. So I'm trying to remember who all is on the
19 group.

20 Q Who are the principal players in the
21 group?

22 A There's no principal player. We're all
23 part of a working group to help expand school-based
24 mental health.

25 Q That sounds like a --

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIAJune 24, 2022
221

1 A Dimple Desai is the chair. There's
2 members from Voices for Georgia's Children. There
3 are members from DOE, Department of Education,
4 DBHDD, myself. There's a member from the Georgia
5 Parents Support Network.

6 There's several. I don't know them all
7 offhand, but it's a very robust group of individuals
8 who work around or within mental health and
9 school-based work.

10 Q Can you give us any sense of the timing of
11 that expansion?

12 A No.

13 Q Apart from the Apex program and the data
14 collection and charting effort that's led by the
15 Center of Excellence that we talked about today, are
16 you aware of any data collection reporting or
17 analysis by mental health providers in connection
18 with Apex other than what's required by the Apex
19 provider protocols?

20 A No.

21 Q Well, we've discussed earlier the reports
22 for the Apex program. Have you seen other reports
23 by other CSBs?

24 A To my knowledge, there is no other report.
25 No one else is collecting data like the Apex

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
222

1 program.

2 Q That answers my question, I think.

3 MS. COHEN: Okay. Well, thank you very
4 much. Much appreciated.

5 MS. ROSS: I have a couple of follow-up
6 questions, maybe a few. Not many. Very short.

7 EXAMINATION

8 BY MS. ROSS:

9 Q Layla, you were asked whether the DOE, or
10 Department of Ed, I'm not sure what term was used,
11 has mental health professionals in various public
12 schools, and you answered yes?

13 A Yes.

14 Q Do you know that it is the Department of
15 Education that has them in the schools, or whether
16 the individual school district has them in the
17 schools? Or do you know the distinction?

18 A No, I don't know the distinction, if it's
19 a local school district or the state agency
20 themselves.

21 Q Thank you. Okay.

22 MS. COHEN: I think when -- are you
23 finished?

24 MS. ROSS: No.

25 MS. COHEN: Go ahead.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
223

1 BY MS. ROSS:

2 Q Is it correct that Apex services of
3 coordinating the mental health third-party providers
4 and the students, those services are available to
5 students who qualify under the Individuals with
6 Disabilities Education Act as having disabilities,
7 right, needing special Ed, and those who to not need
8 special Ed; is that correct?

9 Let me ask a better question.

10 Does the -- does -- does eligibility for
11 Apex services require that the student is qualified
12 for special education?

13 A No.

14 Q Now, GNETS students, are you aware that
15 GNETS students are all special education students?

16 A I am not aware.

17 Q Okay. We talked a lot about the
18 separation of provider services between GNETS and
19 Apex. Now, is it correct that individual students
20 who receive GNETS services also receive Apex
21 services if the Apex services to that student
22 preceded the GNETS services?

23 A Yes.

24 Q Is that correct? Okay.

25 So the initiation of GNETS services does

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
224

1 not preclude the continuation of Apex services,
2 correct?

3 A Not to my knowledge.

4 Q Okay. You were asked whether you told the
5 DOE that you were not willing to work on GNETS
6 matters, and you said I did.

7 If you are not willing -- do you mean that
8 you have a personal aversion to working on GNETS
9 matters, or were you referring to the separation of
10 the two means, that you had been talking about? I
11 don't --

12 MS. COHEN: Objection.

13 Q Go ahead.

14 MS. COHEN: Go ahead.

15 A I don't have a personal bias with working
16 with GNETS. I was told that my program -- I was
17 told by DBHDD that my program should not work with a
18 GNETS program, standalone program.

19 Q Does your work with Apex or with DBHDD
20 overall require you to have any training in
21 Individuals with Disabilities Education Act, or
22 other law regarding educating students with
23 disabilities?

24 MS. COHEN: Objection.

25 A No.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
225

1 Q Do you have in your role again, either
2 with Apex or more broadly with DBHDD, do you have
3 regular interface with the Department of Education
4 individuals who oversee education of students with
5 disabilities?

6 A No.

7 MS. ROSS: I don't have any other
8 questions.

9 MS. COHEN: Nothing from us. Thank you
10 very much.

11 THE VIDEOGRAPHER: Off record at 4:17.

12 (Whereupon, the deposition concluded at
13 4:17 p.m.)
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LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
226

C E R T I F I C A T E

STATE OF GEORGIA:

FULTON COUNTY:

I hereby certify that the foregoing transcript of LAYLA FITZGERALD was taken down, as stated in the caption, and the questions and answers thereto were reduced by stenographic means under my direction;

That the foregoing Pages 1 through 225 represent a true and correct transcript of the evidence given upon said hearing;

And I further certify that I am not of kin or counsel to the parties in this case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 26th day of July, 2022.

Wanda L. Robinson

Wanda L. Robinson, CRR, CCR No. B-1973
My Commission Expires 10/11/2023

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
227

D I S C L O S U R E

STATE OF GEORGIA) VIDEOTAPE DEPOSITION OF
FULTON COUNTY) LAYLA FITZGERALD - 6/24/22
Pursuant to Article 10.B of the Rules and
Regulations of the Board of Court Reporting
of the Judicial Council of Georgia, I make the
following disclosure:

I am a Georgia certified court reporter.
I am here as a representative of Esquire Deposition
Solutions, LLC, and Esquire Deposition Solutions,
LLC was contacted by the offices of U.S. Attorney's
Office to provide court reporter services for this
deposition. Esquire Deposition Solutions, LLC will
not be taking this deposition under any contract
that is prohibited by O.C.G.A. 9-11-28 (c).

Esquire Deposition Solutions, LLC has no
contract/agreement to provide court reporter
services with any party to the case, or any counsel
in the case, or any reporter or reporting agency
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given to any party to this litigation.

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIAJune 24, 2022
228

ERRATA SHEET FOR THE TRANSCRIPT OF:

Deponent Name: LAYLA FITZGERALD

Case Caption: United States of America vs. State
of Georgia

Case No. : 1:16-cv-03088-ELR

I do hereby certify that I have read all questions propounded to me and all answers given by me on the 24th day of June 2022, taken before Wanda L. Robinson, and that:

_____1) There are no changes noted.

_____2) The following changes are noted:

Pursuant to state rules of Civil Procedure and/or the Official Code of Georgia Annotated 9-11-30(e), both of which read in part: Any changes in form or substance which you desire to make shall be entered upon the deposition with a statement of the reason given for making them.

Accordingly, to assist you in effecting corrections, please use the form below:

CORRECTIONS:

Page	Line	Change	Reason For Change

LAYLA FITZGERALD
UNITED STATES vs STATE OF GEORGIA

June 24, 2022
229

CERTIFICATE OF DEPONENT

I hereby certify that I have read and examined the foregoing transcript, and the same is a true and accurate record of the testimony given by me. Any additions or corrections that I feel are necessary, I will attach on a separate sheet of paper to the original transcript.

Signature of Deponent

I hereby certify that the individual representing himself/herself to be the above-named individual, appeared before me this _____ day of _____, 2022, and executed the above certificate in my presence.

NOTARY PUBLIC

MY COMMISSION EXPIRES: